

Also, petition of sundry citizens of Elmira, N. Y., opposing the passage of the Siegel and Fitzgerald postal bills; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of M. C. Bobo and others, of Beckwith, Cal., urging passage of Ferris water-power bill; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Walter Lippincott, of Philadelphia, protesting against House bill 9411; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Carrol D. Peckham, of Brooklyn, N. Y., indorsing House bill 435; to the Committee on the Judiciary.

Also, petition of sundry citizens, in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of International Association of Machinists, of Brooklyn, indorsing House bill 11168; to the Committee on Reform in the Civil Service.

Also, petition of Dallas Smith, of Scranton, Pa., in re price of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Papers to accompany House bill 13371, for the relief of Matthew J. McDermott; to the Committee on Claims.

Also, papers to accompany House bill 12178, granting an increase of pension to Philip H. Smith; to the Committee on Invalid Pensions.

By Mr. SHOUSE: Petition of members of the Brethren Church of Nickerson, Kans., against sale, etc., of intoxicating drinks in Porto Rico; to the Committee on Insular Affairs.

By Mr. SIMS: Papers to accompany House bill 12185, for relief of Mary Louise Bates; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Petition protesting against the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of citizens of Sandpoint and Laclede, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 42 residents of Dubois, Idaho, protesting against this country being involved in war with foreign countries; to the Committee on Military Affairs.

Also, petition protesting against bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Petition of Ralph Fishbeck and C. S. Fishbeck, of Heuvelton, N. Y., favoring a national prohibition amendment; to the Committee on the Judiciary.

Also, resolution of Helen Stockwell in behalf of the Young People's Branch of the Woman's Christian Temperance Union, of Malone, N. Y., favoring a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of Oneonta Park Chapter of Daughters of American Revolution, South Pasadena, Cal., favoring national defense; to the Committee on Military Affairs.

Also, memorial of Contra Costa County Fruit Growers' Association, of Concord, Cal., against embargo Great Britain has placed upon canned and dried fruits; to the Committee on Foreign Affairs.

Also, petition of Bakers' Union No. 37, Los Angeles, and Kalon Club, of San Francisco, Cal., favoring investigation of our dairy products; to the Committee on Rules.

Also, petition of Columbia Lodge, No. 127, of San Francisco, and S. Magnus and 31 others, of Los Angeles, Cal., against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of W. K. Pike Co., of San Francisco, and T. Laurister and 26 others, of Los Angeles, Cal., against passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of J. M. Taylor and 10 others, of Los Angeles, and Fred E. Kenney and 7 others, of San Pedro, Cal., favoring the Warren bill, relative to drafting into service any person who shall agitate war; to the Committee on Military Affairs.

Also, petition of Sisterhood of Temple B'nai B'rith, of Los Angeles, Cal., against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Lodi, Cal., favoring appropriation of \$300,000 for Yosemite National Park; to the Committee on Appropriations.

Also, petition of E. L. Marshall, of San Francisco, Cal., favoring bill introduced by Mr. TAGUE (H. R. 11621); to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Alfred J. O'Connor, of Newport, R. I., favoring House bills 6915 and 7656, in the interest of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Whatcheer Laundry, of Providence, R. I., favoring the Burnett immigration bill and bill to strengthen the Chinese exclusion act; to the Committee on Immigration and Naturalization.

By Mr. TIMBERLAKE: Petition of citizens of Berthoud and Loveland, Colo., against passage of House bills 491 and 6468, relative to amending the postal law; to the Committee on the Post Office and Post Roads.

By Mr. WASON: Petition of Meriden Grange, of Meriden, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions of Meriden Grange, of Meriden, N. H., favoring national prohibition; to the Committee on the Judiciary.

## SENATE.

THURSDAY, March 30, 1916.

Rev. A. C. Millar, D. D., of Little Rock, Ark., offered the following prayer:

O God, our fathers' guide,  
Cast not their sons aside,  
Though they be dust.  
Hold with Thy mighty hand;  
Bless and protect our land;  
In Thee we trust.

Thou hast pursued us with plenty and with prosperity, and Thou hast protected us and helped us hitherto, not because of our merit but because of Thy loving-kindness. Thou hast trusted us, and we pray that Thou wouldst continue to trust and help us to be worthy of Thy confidence.

We pray Thy blessing, our heavenly Father, upon the embattled nations as from the ensanguined soil sobs and sighs and sorrow ascend unto Thee. We pray that Thou wouldst have mercy upon them; and help us in this time of trial and of tragedy that we may be true to the trust that has been committed to us. May we not be craven, but may we have courage to do that which is right in Thy sight. As we seek Thy mercy, help us to be merciful. As we seek Thy patience, may we be patient. As we seek Thy justice, may we be just. As we would have Thy loving favor, may we love humanity.

Bless these men who have the destiny not only of the Nation but of the world in their hands, and may they realize that they represent not simply their States but the Nation and humanity and Thee, and may they be loyal to truth and righteousness.

We ask this in the name of our Elder Brother and for the sake of Thy sinless Son of Sorrow. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, March 28, 1916, when, on request of Mr. JAMES, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MILITARY TRAINING IN CIVIL LIFE (S. DOC. NO. 330).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a memorandum submitted by The Adjutant General of the Army in response to a resolution of the 22d instant calling for a statement showing the number of persons in the United States in civil life who have received military training within the last 10 years, which was ordered to lie on the table, and, on motion of Mr. LODGE, was ordered to be printed as a public document and also to be printed in the RECORD, as follows:

WAR DEPARTMENT,  
Washington, March 27, 1916.

### PRESIDENT UNITED STATES SENATE.

SIR: In compliance with the provisions of Senate resolution of March 22, 1916, I have the honor to transmit herewith a memorandum prepared by The Adjutant General of the Army. The resolution referred to is quoted in the memorandum.

Very respectfully,

NEWTON D. BAKER,  
Secretary of War.

—  
WAR DEPARTMENT,  
THE ADJUTANT GENERAL'S OFFICE.

### (Memorandum for the Secretary of War.)

The following statement is submitted in answer to the Senate resolution of March 22, 1916, that—

"The Secretary of War be, and he is hereby, directed to send to the Senate a statement, to be prepared by The Adjutant General of the Army, showing approximately the number of persons in the United States in civil life who have received a military training within the last 10 years, as follows:

"First. Men who have served at least one full enlistment in the Regular Army.

"Second. Men who have served at least one full enlistment in the National Guard.

"Third. Graduates of educational institutions which provide an adequate military training."

There are approximately 67,765 men now alive who left the Regular Army during the 10 years 1906-1915 after having served three or more years. Included in that total are 6,893 men who went into civil life without terminating their services honorably. They either deserted and did not return to service or were discharged by sentence of a general court-martial.

The number of men discharged on account of disability after a service of three or more years is not included in this estimate, because the number is small, and of the number so discharged only a small proportion is fit for military service of any kind.

This estimate is based on the actual number of men discharged during the period mentioned, but in some cases it has been found necessary to approximate the number of men who served three years before being separated from service. For example, the actual number of men discharged by purchase during the past 10 years is shown by the records of The Adjutant General's Office, but no compilation has ever been made showing how many of them had served three or more years before discharge; and an examination of many thousands of individual records would be necessary before such a compilation could be made. However, an examination of the records for the year 1915 was made and it was ascertained that a little over 50 per cent of the total number of men discharged by purchase during that year had served more than three years before discharge, and this percentage was applied to discharges by purchase during the other years covered by this estimate, as it is reasonable to assume that what is true of one year with respect to these cases is relatively true of the other years.

A deduction of 1 per cent per annum from those who passed into civil life is made to cover casualties, except in the cases of retired men, to whom a death rate of 4.5 per cent is applied. This latter death rate is the approximate death rate of men on the retired list. Some of the men who have been discharged from the Army no doubt have enlisted in the Navy and Marine Corps, but there are no data available in this department from which the approximate number so enlisted can be obtained.

The men discharged from the Philippine Scouts are not included in the figures before given.

The number of men discharged from the Organized Militia after a service of three years or more and who were not reenlisted are shown by the records of the War Department for the years 1911 to 1914, inclusive, but are not shown for the years 1905 to 1910, inclusive, although the enlisted strength is shown. The figures for 1915 have not been compiled. The number discharged during the years 1905-1910 are estimated on the basis of the average ratio between the total enlisted strength and discharges during the years for which data are obtainable.

The number of men now living who were discharged from the militia during the 10 years mentioned, after a service of 3 years or more, is approximately 124,405. As before stated, figures for 1915 are not yet available, but if the number of discharges during that year is as great as the average number during the period 1912 to 1914, inclusive, the number now living who were discharged during the past 10 years would be about 126,400. This difference is caused by the fact that the number of discharges in 1915 should be about 2,000 greater than the number in 1905.

There are approximately 40,317 men now living who have been graduated during the past 10 years from civil educational institutions at which officers of the Army were detailed as instructors of military science and tactics.

A deduction of 1 per cent per annum is made for casualties. No estimate is made of the number of graduates from public and private high schools that have military drill, as there is some question as to the adequacy of military training thus provided.

#### Summary.

From Regular Army.....	67,765
From Organized Militia.....	126,400
From schools at which officers of Army are detailed as instructors.....	40,317
Total.....	234,482

H. P. McCAIN,  
The Adjutant General.

MARCH 27, 1916.

#### DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1915. The communication and accompanying papers and illustrations will be referred to the Committee on Printing for action.

#### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

- Daniel D. Downs v. The United States (S. Doc. No. 384);
- Wilt Rippey v. The United States (S. Doc. No. 383); and
- Henry J. Wiggins v. The United States (S. Doc. No. 385).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill:

S. 4657. An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products; and

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 10087. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 11078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 68. Joint resolution to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation.

#### PRODUCTION OF NITRIC ACID.

Mr. SAULSBURY. Mr. President, when the proper order is reached this morning I propose to introduce a bill, which is explained very largely by a letter to the Secretary of War which I hold in my hand and one to me accompanying that communication. In view of the introduction of that bill, which is of great importance and looks to the production in this country of a sufficient amount of nitric acid to supply our needs at all times, in war as well as peace, I ask that the communications which I send to the desk may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

E. I. DU PONT DE NEMOURS & Co.,  
Wilmington, Del., March 28, 1916.

Hon. WILLARD SAULSBURY,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: The question of fixation of atmospheric nitrogen for the production of nitric acid—in order that the United States may be free from other countries in obtaining this essential raw material for the production of explosives—has occupied the attention of our company for a number of years; but it was not until about a year ago that we were able to make definite plans toward the acquisition of a process known to be satisfactory. This process now in commercial use in Norway, requires a large quantity of cheap water power. Just prior to the breaking out of the European war our company was in negotiation for the acquisition of water-power rights in Canada, but the war has brought us to realize that a Canadian installation would not be desirable from the point of view of the United States Government, and it would also be questionable from the commercial standpoint. In order that the development of water powers in the United States may be made more practical, we have prepared a draft of a bill, copy inclosed. This bill, as you see, makes it possible for the Secretary of War to arrange for leasing water powers for the purpose of providing a supply of nitric acid. I take this first opportunity to call your attention to the question with the assurance that we will give you all the information at our command, so that you may acquire a proper insight into the problem. Please call upon us for any information that you may need. Further, I am taking the liberty of forwarding a copy of the bill and this letter to Hon. GEORGE E. CHAMBERLAIN, chairman of the Committee on Military Affairs.

Very sincerely,

E. I. DU PONT DE NEMOURS & Co.,  
PIERRE S. DU PONT, President.

MARCH 28, 1916.

Hon. NEWTON D. BAKER,  
Secretary of War, War Department, Washington, D. C.

SIR: On frequent occasions during recent years Gen. Crozier has called our attention to the menace involved by our dependence on foreign nations for our raw materials for nitric-acid supply, this commodity being absolutely essential in the manufacture of smokeless powder and other explosives and in great demand as an essential in the manufacture of fertilizers.

Several years ago the fixation of nitrogen from the air by the use of electric arc was found practical abroad, and, with a view of implanting the industry in this country—solving our problem here at home—the Du Pont Co. sent a corps of its experts to Europe to thoroughly investigate the various processes there employed.

As a result of these investigations the Du Pont Co. purchased the right of one of the leading processes used abroad, which process is now established in Europe on a commercial basis on a large scale of production.

As you know, the process of securing nitric acid from the air requires large units of hydroelectric power at a very low cost.

Coincident with our investigations abroad we have been studying the possibilities for satisfactory hydroelectric power in the United States, and we find that while the power physically exists, it is not available because of governmental restrictions.

I inclose herewith for your consideration a tentative draft of a bill which, we believe, will protect the public interests and justify the investment of the capital essential to the solution of this problem in the United States.

You will note the bill we submit provides that the company "shall deliver to the United States for military or naval purposes all or any part of the output of nitric acid at a price which shall include such profit as the Secretary of War shall determine to be reasonable."

With the way made clear, the Du Pont Co. stands ready to negotiate a contract under which they will begin at once the construction of a plant in units of such magnitude as may be agreed upon between the

Government and the Du Pont Co., the Du Pont Co. to furnish the capital.

Should you desire to confer with me on any of the phases of this question, I will be pleased to make a trip to Washington at your pleasure.

Very truly, yours,

\_\_\_\_\_, President.

Mr. SMITH of Michigan. Who signs these communications?

The SECRETARY. The original communication is signed by the president of the Du Pont de Nemours Co. The second communication is a copy unsigned.

Mr. SMITH of South Carolina. Mr. President, I did not catch whether there was in the letter a proposition which appears in a note in the Post this morning, where it says that the Secretary of War, Mr. Baker, received a letter from Mr. du Pont, the president of the company, touching a proposed bill to provide for a 50-year lease of water power, and in return to give the Government powder essential for the Government's needs, and in the meantime to use the water power for whatever purpose they may see fit.

Mr. THOMAS. Mr. President, I think it may not be inexpedient to suggest that there is a very large plant in my State which, perhaps, might be secured. We have been laboring under a great many difficulties for a long time. The Government has done everything to the project up to date except to dynamite it.

Mr. SAULSBURY. Mr. President, one or two Senators have suggested that they would be very glad to hear the bill read to which the communications refer. It was my intention to suggest that the bill be printed in the RECORD when we reach that order.

The VICE PRESIDENT. The communications will be referred to the Committee on Military Affairs.

Mr. SAULSBURY subsequently said: Mr. President, there has been considerable interest manifested in the bill which I hold in my hand and which I am about to introduce. I have been requested by several Senators much interested in the subject to have the bill read. As I have not a sufficient number of copies, so that Senators may examine it and understand it fully, particularly the Senator from Alabama [Mr. UNDERWOOD], who is to address the Senate on the subject this morning, I ask that the bill which I send to the desk be read and referred to the Committee on Military Affairs.

The bill (S. 5316) to provide for a supply of nitric acid available for the national defense through utilization of water power was read the first time by its title and the second time at length and referred to the Committee on Military Affairs, as follows:

*Be it enacted, etc.,* That in order to provide for the construction and operation of works for the production of nitric acid available for the national defense the Secretary of War is authorized, upon the recommendation and approval of the board of engineers hereinafter provided for, to grant permits for the construction of dams, storage and diversion works, or other structures for creation of hydroelectric power in or across any of the navigable or boundary waters of the United States or in or across any of the streams upon public lands upon terms and conditions not inconsistent with the treaty or other obligations of the United States, and with the rights and obligations hereinafter set forth.

SEC. 2. All such permits shall provide (a) that the grantee shall construct works to be operated by such hydroelectric power for the fixation of nitrogen for the manufacture of nitric acid, such works to have an initial capacity to be fixed by the Secretary of War upon the recommendation and approval of said board of engineers, and to be built according to plans approved by said board of engineers and the Secretary of War; (b) that at all times upon request of the Secretary of War the grantee shall deliver to the United States for military or naval purposes all or any part of the output of nitric acid at a price which shall include such profit as the Secretary of War shall determine to be reasonable, and his determination of the reasonableness of such profit shall be final, and for this object the Secretary may direct the works to be operated to such extent of their capacity as he deems necessary for the purposes of the United States; (c) all such dams, storage or diversion works, or other hydroelectric structures shall be of such design and capacity for present or future use as the Secretary of War shall approve, and after approval of the plans no deviation therefrom shall be made without the approval of the Secretary of War; (d) that such permit shall not be assignable without the written consent of the Secretary of War except as security for bonds issued by the grantee to raise funds for the construction of such works.

SEC. 3. All such permits shall be for the terms of 50 years, and may be renewed for like periods, and if not renewed at the end of any period shall continue in force until the property is taken over and paid for by the United States as hereinafter provided for. In case of any violation of the conditions specified in said permit, and such violation shall continue for 90 days after notice from the Secretary of War to cure such default, such permit may be revoked by decree of United States court. At the end of any period the United States shall have the right to take over all said works and hydroelectric plant upon payment of the fair value thereof, not including therein the value of any rights granted hereunder.

SEC. 4. The grantee named in any such permit is authorized to erect, maintain, and operate the hydroelectric plant and works aforesaid which are hereby declared to be necessary for the purposes of the national defense, and may use or divert such waters as may be necessary for the operation of said hydroelectric plant. Such grantee may occupy any public lands necessary for the hydroelectric plant and works aforesaid and their appurtenances, and may take and use any lands or other property necessary for said hydroelectric plant by exercise of the right of eminent domain in the district court of the United States where said property is located, under the laws of the State

where such property is located, and in the absence of such laws, then under the laws of the United States for the condemnation of property for navigation purposes.

SEC. 5. All such works shall be constructed under the supervision of an engineer officer of the United States Army designated for that purpose, and shall be completed within the time specified in the permit by the Secretary of War, unless the same is extended by him for good cause. Any power developed and not needed for the operation of the nitric acid works aforesaid and any capacity of said nitric acid works not requisitioned by order of the Secretary of War may be employed by the grantee in any way he may elect, but subject, however, at all times to the right of the United States to requisition the same for use in the production of nitric acid for military or naval purposes whenever so requested by the Secretary of War. If the Secretary of War deems it advisable in order to promote the economical operation of the nitric acid plant or to accomplish the objects of this act, he may include in such permit authority for the grantee to use or divert any additional amount of water for which the grantee has or shall secure rights under the laws of the State or States where such use or diversion occurs, the additional power developed may be used by the grantee as provided in this section: *Provided, however,* That the cost to the consumer of any power not used by the grantee and sold for general domestic consumption shall be subject to State regulation as to price and service by the duly constituted authority of the State in which such power is consumed, and in the absence of such authority by the Secretary of War of the United States. If the United States shall take over the plant and hydroelectric works as hereinbefore provided for, the grantee shall be paid the fair value of all property dependent for its usefulness upon being operated in connection with the property taken over.

SEC. 6. The board of engineers herein provided for shall consist of the Chief of Engineers of the United States Army, the Chief of the Bureau of Ordnance, the Judge Advocate General, and two engineer officers of the United States Army with the rank of colonel, designated by the Chief of Engineers and approved by the Secretary of War.

Mr. KENYON subsequently said: I should like to inquire of the Senator from Delaware, who introduced the bill, if it is the bill referred to in the correspondence which was read this morning—the bill prepared by the powder company for the Senator?

Mr. SAULSBURY. It is the bill which was inclosed with the communications which I had read.

Mr. KENYON. Which, I understand, is a bill prepared by the powder company?

Mr. SAULSBURY. Yes; I so understand.

Mr. KENYON. Mr. President, as this matter is getting before the Senate, I think it would be well at this time to have read the bill which was reported from the Committee on Agriculture and Forestry this morning bearing on the same question, and I ask that that be done.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Iowa?

Mr. OLIVER. Mr. President, I inquire of the Senator from Iowa if it would not be satisfactory to have the bill to which he refers printed in the RECORD, so that the two bills may be seen side by side? I do not, however, object to his request.

Mr. KENYON. We have had a bill read which has been presented by the powder company; and it seems to me it would be well to have read the bill which has been reported from the Committee on Agriculture and Forestry.

Mr. OLIVER. Mr. President, I do not propose to object to the Senator's request.

Mr. SHAFROTH. I should like to ask the Senator from Iowa whether the bill to which he refers includes the amendments made by the committee?

Mr. KENYON. It does.

The VICE PRESIDENT. The Secretary will read the bill referred to by the Senator from Iowa [Mr. KENYON].

Mr. KENYON. Was the suggestion of the Senator from Pennsylvania that the bills ought to be printed in the RECORD together?

Mr. OLIVER. Yes; the bill to which the Senator from Iowa refers and the bill which has just been read.

Mr. KENYON. I think that is a good suggestion.

Mr. OLIVER. My idea was to avoid occupying the time of the Senate which would be consumed in the reading of the bill.

Mr. KENYON. I should like to have the reported bill read.

Mr. OLIVER. Very well.

Mr. SMITH of South Carolina. I ask that the Secretary read the copy of the bill which I reported, which is the committee print, and which embraces all the amendments agreed upon by the committee.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

A bill (S. 4971) to authorize the designation and withdrawal of water-power sites and the construction of water-power and other plants by the United States for the manufacture of nitrates, and for other purposes.

*Be it enacted, etc.,* That the President at any time, in his discretion, may, by Executive order, designate for the exclusive use of the United States any site upon a navigable river, the improvement of which for purposes of navigation will make available at such site surplus water power over and above the needs for navigation. After being so designated, and until the designation is modified or revoked, every such site shall be developed and improved only in the manner and for the purposes authorized by this act.

SEC. 2. That the President may also at any time, in his discretion, withdraw from settlement, location, sale, or entry and reserve for the exclusive use of the United States any public lands of the United States, including the Territory of Alaska, whether within national forests or other reservations or withdrawals, which are valuable as water-power sites for the purposes of this act: *Provided*, That not more than five sites shall be withdrawn in pursuance of the authority given by this act.

SEC. 3. That the Secretary of War is authorized and directed to investigate and to recommend for designation or withdrawal such dam sites, water-power sites as in his opinion will be necessary for carrying out the purposes of this act, and is further authorized to construct, maintain, and operate at or on any site so designated or withdrawn, dams, locks, other improvements to navigation, power houses, and other plants and equipment necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers: *Provided*, That all plans and specifications for dams in navigable rivers shall be submitted to and approved by the Secretary of War.

SEC. 4. That the Secretary of War is authorized to lease, purchase, or acquire, by condemnation, gift, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants and to take from any lands of the United States, or to purchase or acquire by condemnation, materials and minerals necessary for the construction or operation of such plants and for the manufacture of such products.

SEC. 5. That the products of such plants shall be used by the Secretary of War or the Secretary of the Navy for military or naval purposes, and any surplus not so required may be sold and disposed of by the Secretary of Agriculture under such regulations as he may prescribe.

SEC. 6. That the sum of \$15,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the Secretary of War to carry out the purposes of this act.

SEC. 7. That the plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

SEC. 8. That in order to raise the money appropriated by this act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the Secretary of War and the approval of the President, may issue and sell or use for such purchase or construction hereinabove authorized any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed \$15,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable and fix, instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the memorial of C. K. Stinson, of Gardner, Mass., remonstrating against a reduction in the maximum of parcel-post packages, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented petitions of sundry citizens of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Garden City and Longton, in the State of Kansas, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kansas, remonstrating against any change in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Garnett, Kans., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of South Dakota presented a petition of the History Club, of Sioux Falls, S. Dak., and a petition of the Study Club, of Britton, S. Dak., praying for an investigation into conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Jefferson Grange, No. 133, Patrons of Husbandry, of Coleman, S. Dak., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a petition of Jefferson Grange, No. 133, Patrons of Husbandry, of Coleman, S. Dak., and a petition of Prosperity Grange, No. 119, Patrons of Husbandry, of White, S. Dak., praying for Government ownership of telegraph, telephone, and wireless systems, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHEPPARD presented petitions of sundry inhabitants of the Hawaiian Islands, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE. I present resolutions adopted by the Legislature of the Commonwealth of Massachusetts, relative to the conditions of destitution in Poland and to the entry of food therein. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions relative to the conditions of destitution in Poland and to the entry of food therein.

Whereas according to reliable information the situation in the belligerent countries of Europe is such that the inhabitants of Poland and the invaded districts of Russia are dying of starvation; and

Whereas it has been authoritatively presented that the only solution for this problem is to increase the available food supply in said territory from outside sources through the medium of an organization similar to the present commission for the relief of Belgium: Therefore be it

*Resolved*, That the Senators and Representatives in Congress from Massachusetts are hereby requested to take early and concerted action to bring before the United States Department of State the awful plight of the inhabitants of these districts, with a view to having representations made to the Governments of the belligerent nations that the importation of foodstuffs therein be made possible.

*Resolved*, That copies of these resolutions, attested by the Secretary of the Commonwealth, be sent by said official to each of the Senators and Representatives in Congress from Massachusetts.

In the house of representatives, adopted, March 17, 1916.

In senate, adopted, in concurrence, March 22, 1916.

A true copy.

Attest:

ALBERT P. LANGTRY,  
Secretary of the Commonwealth.

Mr. DU PONT. I present resolutions adopted at a meeting of the Society of Colonial Wars in the District of Columbia, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

MARCH 25, 1916.

To the honorable the SENATE OF THE UNITED STATES.

GENTLEMEN: At a meeting of the Society of Colonial Wars in the District of Columbia, held on December 7, 1915, the following resolutions were passed:

"*Resolved*, That the Society of Colonial Wars in the District of Columbia is of the opinion that, commendable as are the perpetuation and celebration of the achievements of our ancestors, we should be unworthy descendants if we do not take inspiration from them, and therefore action, to safeguard to the best of our ability the heritage handed down to us; be it accordingly

*Resolved*, That the outgoing governor of this society be, and is hereby, empowered to appoint a committee of five members charged to draft suitable resolutions memorializing the President and the Congress of the United States, and urging the imperative necessity of such legislation as will insure to our beloved country thorough defense, both on land and on sea; and be it further

*Resolved*, That these resolutions be communicated to the General Society of the Colonial Wars and to every State society, and that each be urged to pass similar resolutions, and that the members thereof be exhorted to exercise both collectively and as individuals, such influence in their respective communities and upon their Senators and Representatives in Congress, that the proper strength and organization may be given to American land and naval forces."

The undersigned, having been appointed a committee to draft memorials in pursuance of the above resolutions, respectfully petition you that in our opinion the American people desire that the proper officials of the Government and the Senators and Representatives in Congress should take such action that our country will be thoroughly prepared to defend itself both on land and sea. We are strongly of the opinion that the American people stand ready to make the necessary sacrifices in order that our military and naval forces may be so strengthened, organized, equipped, and supplied as to be able to withstand any enemy or enemies which would venture to attack us.

We respectfully direct your attention to the principles enunciated by the Hon. John C. Calhoun, in December, 1820, in which he said:

"If our liberty should ever be endangered by the military power gaining the ascendancy, it will be from the necessity of making those mighty and irregular efforts to retrieve our affairs after a series of disasters caused by the want of adequate military knowledge, just as in our physical system a state of the most dangerous excitement and paroxysm follows that of the greatest debility and prostration. To avoid these dangerous consequences, and to prepare the country to meet a state of war, particularly at its commencement, with honor and safety, much must depend on the organization of our military peace establishment."

"To give such an organization the leading principles in its formation ought to be that at the commencement of hostilities there should be nothing either to new model or create. The only difference, consequently, between the peace and war formations of the Army ought to be in the increased magnitude of the latter, and the only change in passing from the former to the latter should consist in giving to it the augmentation which will then be necessary."

"It is thus, and thus only, the dangerous transition from peace to war may be made without confusion or disorder, and the weakness and danger which otherwise would be inevitable be avoided."

Thus far in our national career such a desideratum has never been attained and, in consequence, all of our wars have been marked by mismanagement, by the loss of life and by financial cost, both colossal and utterly unjustifiable. Assuredly it is high time to institute measures which shall preclude the repetition of the shortsighted policy so persistently followed in the past.

We should, indeed, be unworthy descendants if we failed to do our utmost to safeguard the heritage bequeathed to us by former generations which did not shrink to make every sacrifice, whereby this country has attained its present greatness.

We accordingly most earnestly and respectfully petition you to exercise to the utmost the power vested in you in order that this precious heritage may not be jeopardized through negligence or indifference.

ference, and that your body, whose duty it is, will provide our beloved country with thorough defense.

We have the honor to be, your very obedient servants,

FREDERIC L. HUIDEKOPER,  
Chairman.  
FREDERIC BULKELEY HYDE.  
IRA WARREN DENNISON.  
WILLIAM VAN ZANDT COX.  
JOB BARNARD.

Mr. BORAH presented petitions of sundry citizens of Hope, Sandpoint, Juliaetta, Bonners Ferry, Grangeville, Cambridge, Orofino, Fraser, Greenleaf, and Plummer, all in the State of Idaho, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Idaho, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of Michigan. If the Chair will indulge me for a moment, I have some petitions here that should be sent to the Committee on Military Affairs. They bear the names of several hundred workmen in four factories at Adrian, Mich. I desire to read a few words from this petition:

We, the undersigned workmen and voters of the city of Adrian, Mich. desire to make known to you our deep convictions on the great question of the day—the question of national preparedness.

We, who will bear the brunt of such action, are determined in favor of preparedness against war to the fullest possible degree.

We want a Navy large enough to defend our shores against all comers and an Army big enough to make invasion or aggression by a foreign power too dangerous to be attempted.

We believe in a well-trained and equipped reserve of citizen soldiery embracing all able-bodied male citizens and a federalized National Guard relieved of strike duty.

We ask you to give these matters your careful attention, and assure you that we shall carry these convictions to the polls with us next November.

These petitions are signed entirely by workmen, and the signatures were obtained through their own voluntary action.

The VICE PRESIDENT. The petitions will lie on the table, the bill having been reported.

Mr. SMITH of Michigan. I have a telegram from Henry M. Leland, president of the Cadillac Automobile Co., indorsing the vocational educational bill with all amendments. I ask that it may be printed in the RECORD without reading.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

DETROIT, MICH., March 22, 1916.

HON. WILLIAM ALDEN SMITH,  
Senate, Washington, D. C.:

Vocational education bill with its amendments represents best thought of educators and men in industrial life who are closest to problems of providing practical education for our boys and girls. Mr. H. E. Miles, of the Wisconsin State Board of Industrial Education, is perhaps best-informed man in country on this question. I have known him many years. He is educator and manufacturer. He is practical and sane. He is honest and sincere. He is now at New Willard, Washington. If you feel need of further information, may I suggest you either hear Mr. Miles personally or in conference? Some provision for practical education is imperative. Am hopeful for your interest in this measure, perhaps in amendment 6 in particular, and trust you can arrange for a hearing with Mr. Miles.

HENRY M. LELEND.

Mr. SMITH of Michigan. I have a telegram from Mr. Charles H. Lewis, secretary of the Detroit Federation of Labor, in favor of the bill relative to the interstate laws known as the Booher bill, preventing the shipment of convict-made goods. I ask that it be printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

DETROIT, MICH., March 23, 1916.

Senator WILLIAM ALDEN SMITH,  
Washington, D. C.

HONORABLE SIR: The Detroit Federation of Labor, representing a large per cent of the workers of this city, respectfully request you to support the bill relative to the interstate law known as the Booher bill, preventing the shipment of convict-made goods from one State to another, as we are unalterably opposed to same.

Respectfully, yours,

CHAS. H. LEWIS, Secretary,  
205 Equity Building.

Mr. SMITH of Michigan. I present a communication from the mayor of the city of Albion, Mich., with reference to the bill for the retiring of Federal employees after long and faithful service. I ask that the communication be printed in the RECORD and referred to the Committee on Civil Service and Retrenchment.

There being no objection, the communication was referred to the Committee on Civil Service and Retrenchment and ordered to be printed in the RECORD, as follows:

CITY OF ALBION, March 20, 1916.

HON. WILLIAM ALDEN SMITH,  
Washington, D. C.

DEAR SENATOR:

Whereas a bill has been introduced in the House of Representatives at Washington, D. C., for the retirement of Federal employees after

long and faithful service or after disability caused by no fault of the employee; and

Whereas the general public is unaware of the conditions surrounding the employment of men and women in the service of the Government; and

Whereas it is the opinion of those who are acquainted with the facts that there would be a unanimous sentiment throughout the country for a national retirement law were the public fully acquainted with the conditions as they now exist: Therefore be it

Resolved, That in accordance with the laws now in force in every city of consequence in the United States and in practice with the larger corporations granting retirement with part pay to civil and corporate employees who have served continuously for 25 years, that equal justice should be meted to Federal employees who by reason of a quarter of a century of honorable service or being incapacitated previously in the discharge of duty; and therefore, in a fairness, the undersigned, mayor and council of the city of Albion, Calhoun County, Mich., indorse said bill that all Federal employees may look to their future without apprehension after giving the best years of their lives to the public service: And be it further

Resolved, That a copy of this resolution be forwarded to each of the United States Senators and Representatives of the State of Michigan.

WM. BARNES, Mayor.

Attest:

P. P. NAGLE, City Clerk.

Mr. SMITH of Michigan. I present resolutions adopted by the Detroit Republican Club, favoring the passage of the bill known as the Penrose-Griffin indefinite-leave-of-absence bill to postal employees. I ask that the resolutions be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolutions were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

DETROIT, MICH., March 22, 1916.

HON. WILLIAM ALDEN SMITH,  
United States Senate, Washington, D. C.

DEAR SIR: Inclosed you will find copy of the resolution adopted by the Detroit Republican Club.

We trust you will find it possible to use your vote and influence in favor of this bill.

Our club will watch with interest its progress through both Houses.

Yours, very truly,

DETROIT REPUBLICAN CLUB,  
JOS. E. STIGLER, Secretary.

Whereas there is now pending before the Post Office Committees, in both branches of the United States Congress, a bill known as the Penrose-Griffin indefinite-leave-of-absence bill, which, if enacted into law, will provide for the retirement of all worn-out Post Office employees in the classified civil service;

Whereas thus far the United States of America is the only large civilized Nation which has made no provision for its worn-out and superannuated employees; and

Whereas it is the sense of the Detroit Republican Club that the said above-mentioned bill should be passed by the United States Congress: Now, therefore, be it

Resolved, That the members of the Detroit Republican Club here assembled do hereby heartily approve and indorse the said bill known in the House of Representatives as H. R. 6915; and be it further

Resolved, That the secretary of this club be instructed to send a copy of this resolution to each of the United States Senators from the State of Michigan and to each Member of the House of Representatives, and to ask that they give the said bill their aid and support.

SAMUEL F. POLOZKER,  
CHARLES C. ASHURST,  
FRANK PUDDEFOOT,  
Committee on Resolutions.  
ARTHUR E. WOOD, President.  
JOS. E. STIGLER, Secretary.

Dated at Detroit, Mich., March 10, 1916.

Mr. HARDING presented a petition of the congregation of the Mount Auburn Methodist Episcopal Church, of Cincinnati, Ohio, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the removal of restrictions on shipments of milk to suffering babies in Germany, Austria-Hungary, and Poland, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Ohio, remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Ohio, remonstrating against any change in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

Mr. STERLING presented a petition of Novemberblomen Lodge, No. 82, International Order of Good Templars, of Sioux Falls, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Brule County, S. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. SHAFROTH presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. ROBINSON presented memorials of sundry citizens of South Carolina and Alabama, remonstrating against the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Westfield, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry granges in the State of Pennsylvania, praying for Government ownership of telephone and wireless systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry granges in the State of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 201, International Brotherhood of Bookbinders, of Erie, Pa., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. OLIVER (for Mr. PENROSE) presented memorials of sundry citizens of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the Friendly Club, of Concord, N. H., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Pomona Grange, No. 295, Patrons of Husbandry, of Sanbornton, N. H., remonstrating against any change in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of the Pastors' Union of New Haven, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. DILLINGHAM presented memorials of E. M. Howard and other citizens of Jamaica and Townshend, in the State of Vermont, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. NORRIS presented memorials of sundry citizens of Nebraska, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. McLEAN presented memorials of the Relief Society for Political Victims of Russia; of Local Lodge No. 202, International Order of B'rith Abraham; of Local Branch No. 184, Workmen's Circle; of the Sick and Benefit Aid Society; of the Elite Social Club; and of the Progressive Benevolent Association, all of Hartford, in the State of Connecticut, remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Lilley Council, Order of United American Mechanics, of Hartford, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Local Branch No. 189, Civil Service Retirement Association, of Ansonia, Derby, and Shelton, in the State of Connecticut, praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Waterbury, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. LIPPITT presented a petition of sundry citizens of Providence, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the Civic and Commerce Association, of Minneapolis, Minn., praying for liberal appropriations for the maintenance of the Bureau of Foreign and Domestic Commerce, which was referred to the Committee on Appropriations.

He also presented a memorial of Elwood Grange, No. 608, Patrons of Husbandry, of Owatonna, Minn., remonstrating against any change in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. GRONNA presented a petition of sundry citizens of La Moure, N. Dak., praying for Government ownership of munition plants, which was ordered to lie on the table.

He also presented a memorial of the Farmers' Club of Reeder, N. Dak., remonstrating against the passage of the so-called Hollis rural-credit bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legislation to permit the giving out of certain information by the Post Office Department, which were referred to the Committee on Post Offices and Post Roads.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of Georgia. I have received this morning from citizens of my State a short telegram in the nature of a memorial with reference to sectarian appropriations for schools. I wish to say that I understand the Indian appropriation bill carries an appropriation of \$250,000 for the erection of buildings for school purposes, looking toward the Government being in a position to dispense with contract schools. I ask that the telegram be read.

There being no objection, the telegram was read, as follows:

MACON, GA., March 29, 1916.

HON. HOKE SMITH,  
United States Senate, Washington, D. C.:

We petition against sectarian appropriations in Indian bill and for constitutional amendment forbidding all sectarian appropriations and prohibition of same in Philippine and Porto Rico bills.

W. T. Anderson, editor Telegraph; C. A. Cunningham, judge; Bridges Smith, mayor; R. D. Feagin, attorney Law Enforcement League; W. N. Ainsworth, pastor Mulberry Street Methodist Church; W. L. Pickard, president Mercer University.

#### REPORTS OF COMMITTEES.

Mr. SMITH of South Carolina. I am directed by the Committee on Agriculture and Forestry, to which was referred the bill (S. 4971) to authorize the designation and withdrawal of water-power sites and the construction of water-power and other plants by the United States for the manufacture of nitrates, and for other purposes, to report it with amendments. I desire to state that I shall submit a report to accompany the bill at a later day.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. JONES, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 6057) to amend section 14 of the reclamation-extension act approved August 13, 1914, reported it with an amendment and submitted a report (No. 318) thereon.

Mr. OLIVER. On the 20th of this month my colleague [Mr. PENROSE] introduced a bill (S. 5140) to determine what obligation, if any, exists under the treaty with Spain of 1819, to relieve the estate of Richard W. Meade, deceased, and it was referred to the Committee on Claims. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Foreign Relations, inasmuch as it involves the construction of a treaty.

The VICE PRESIDENT. That action will be taken.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAMES:

A bill (S. 5317) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens; to the Committee on Patents.

A bill (S. 5318) granting an increase of pension to Elijah Cox (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON (for Mr. LA FOLLETTE):

A bill (S. 5319) granting an increase of pension to Harlow J. Greenfield; to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 5320) to correct the military record of Louis F. Folger; to the Committee on Military Affairs.

A bill (S. 5321) for the relief of the Fidelity Building, Loan & Savings Co., of Columbus, Ohio;

A bill (S. 5322) for the relief of the Trumbull Savings & Loan Co., of Warren, Ohio;

A bill (S. 5323) for the relief of the Permanent Savings & Loan Co., of Akron, Ohio;

A bill (S. 5324) for the relief of the Home Building Loan & Savings Co., of Coshocton, Ohio;

A bill (S. 5325) for the relief of the Third Savings & Loan Co. of Piqua, Ohio;

A bill (S. 5326) for the relief of the Cleveland Savings & Loan Co., of Cleveland, Ohio;

A bill (S. 5327) for the relief of the Union Savings & Loan Co. of Cleveland, Ohio; and

A bill (S. 5328) for the relief of The Peoples Savings Association, of Columbus, Ohio; to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 5329) granting a pension to Edwin Ayres (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5330) for the relief of the heirs of Jacques Clamorgan; to the Committee on Public Lands.

By Mr. LIPPITT:

A bill (S. 5331) granting an increase of pension to Celestina Merewether; and

A bill (S. 5332) granting an increase of pension to Abby F. Eldred; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5333) granting an increase of pension to Susan L. Rand; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5334) granting an increase of pension to Morrison Young; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 5335) conferring upon tribes of Indians the right to recall their agents or superintendents; to the Committee on Indian Affairs.

By Mr. THOMPSON:

A bill (S. 5336) granting a pension to Abbie M. Peabody (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5337) to establish a fish-cultural station in the State of Oklahoma; to the Committee on Fisheries.

By Mr. CHAMBERLAIN:

A bill (S. 5338) granting an increase of pension to Almira V. De Lane (with accompanying papers); to the Committee on Pensions.

## NATIONAL DEFENSE.

Mr. CUMMINS submitted 29 amendments intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which were ordered to lie on the table and be printed.

Mr. POMERENE submitted amendments intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which were ordered to lie on the table and be printed.

Mr. SMITH of Georgia submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. HARDWICK submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

## MILITARY POLICY OF THE UNITED STATES.

Mr. TILLMAN submitted the following resolution (S. Res. 156) which was read, considered by unanimous consent, and agreed to:

*Resolved*, That there be printed 1,000 additional copies of Senate Document No. 494, Sixty-second Congress, second session, entitled "The Military Policy of the United States," by Bvt. Maj. Gen. Emory Upton, United States Army, for the use of the Senate document room.

ADDRESS BY HON. JOSEPHUS DANIELS (S. DOC. NO. 382).

Mr. SWANSON. Mr. President, I ask unanimous consent that an address by Hon. Josephus Daniels, Secretary of the Navy, in presenting commissions to the graduating class of the United States Naval Academy, Annapolis, Md., Friday, June 4, 1915, be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

## SINKING OF NEUTRAL VESSELS (S. DOC. NO. 381).

Mr. NELSON. I have certain data concerning the sinking of neutral vessels belonging to the northern neutral nations of Norway, Sweden, Denmark, and Holland, which were sunk by German submarines, mines, or warships between the dates of August 1, 1914, and March 25, 1916. I ask that the matter be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

## PRICE OF GASOLINE.

Mr. MARTINE of New Jersey. Mr. President, I am in receipt of very many communications from New Jersey, as well as from adjoining States, urging that some steps be taken with reference to the ever-increasing cost of gasoline. I therefore desire to submit the resolution which I send to the desk, and I respectfully ask unanimous consent for its immediate consideration.

Mr. SMOOT. Let the resolution be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the resolution.

The concurrent resolution (S. Con. Res. 19) was read, as follows:

Whereas in the stride of human progress and invention gasoline has become as much a necessity to the thrift and welfare of the American people as a source of power and propulsion as is coal; and Whereas the commercial cost of the same has been advanced from time to time until it has reached a most unreasonable figure, thereby imposing an unjust burden on the people; and Whereas this product is controlled by a trust, to wit, the Standard Oil Co.: Therefore be it

*Resolved by the Senate of the United States (the House of Representatives concurring therein)*, That the Attorney General of the United States be, and is hereby, directed to cause an investigation of the subject as to whether this phenomenal increase in price of this article is the result of any violation of the laws of the United States.

Mr. MARTINE of New Jersey. Mr. President, I desire to say that this question has agitated not one class, but almost every class of our fellow citizens. The price of gasoline has risen in strides from 10 and 11 cents until, I believe, it is now about 28 cents a gallon, with the knowledge that it is fast approaching the price of 40 cents.

Gasoline is a prime necessity. It is no longer an article that affects only those who ride in automobiles, for nearly every commercial wagon is being driven by gasoline and on every farm and in almost every workshop gasoline is used as a propelling and motive power. The tremendous advance in the price of this commodity has agitated our people; it is the prevailing opinion amongst them that this article is controlled and owned and its price is advanced from time to time by the Standard Oil Co., and it is their desire that the subject may be investigated.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Iowa?

Mr. MARTINE of New Jersey. Certainly.

Mr. CUMMINS. Mr. President, I do not rise to object to the consideration of the resolution, but I ask the Senator from New Jersey if it is not true that the Federal Trade Commission is now investigating the subject matter of the resolution?

Mr. MARTINE of New Jersey. I was not aware of that fact.

Mr. CUMMINS. I also ask this question: Is it not the duty of the Attorney General to institute proper proceedings against the combination or conspiracy without any request from the Senate of the United States or the Congress of the country?

Mr. MARTINE of New Jersey. Without being a lawyer, I should say that it might be the duty of the Attorney General to institute these proceedings; but I realize the fact that the Attorney General of the United States is an exceedingly busy man, much engrossed with affairs, and with a legal mind; and mayhap this proposition might be shunted to the rear in order

that he might take up some strictly legal problem within his scope and no attention might be paid to this matter. I urge the adoption of the resolution as a reminder that this is vital to the people. In the case of every farmer who has a thrashing machine, where they formerly used horse power, and for a while steam, through coal—those things are things of the past. Every farmer now owns a little gasoline engine, which he uses to saw his wood, to churn his milk, and to do a thousand other things on the farm.

Mr. TOWNSEND. Mr. President—

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Michigan?

Mr. MARTINE of New Jersey. I do.

Mr. TOWNSEND. I should like to ask the Senator what hope he has that the price of gasoline will be reduced if the trust to which he refers is attacked by the Attorney General, judging from what has occurred in the past in such matters?

Mr. MARTINE of New Jersey. Well, I confess that there may be generally but little hope; but I want to have the machinery of the courts put into operation, and, if possible—I do not know whether it is possible or not—to suspend the operations of this greedy monster that is fattening on the people of America.

Mr. STONE. Mr. President, a few moments ago the Senator from Iowa [Mr. CUMMINS] asked a question. I will state for his information that the Federal Trades Commission is engaged in investigating the very matter covered by the pending resolution. I know that from statements made to me by members of that commission, I am informed that the Department of Justice is also using the forces at its command in investigating the same subject.

I thought I ought to make this statement at this point. What may come of these investigations I do not know. I do know that if the Department of Justice has power to act, or if it be possible to enact some additional necessary legislation that would enable the judicial forces of the country to act, I wish that might be done. I do not say there is a special monopoly; I do not know about that in connection with this particular matter; but I would like to take this combination, or whatever it may be, by the throat and crush it. Every Senator here knows—he does not think, but he knows—that the users of gasoline are being to-day robbed by a band of thieves.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Idaho?

Mr. MARTINE of New Jersey. Yes; I yield to the Senator.

Mr. BORAH. The Senator speaks of additional legislation. I can not conceive of any additional legislation being needed. We covered the entire subject by the Federal Trades Commission; we covered it by an amendment to the Clayton antitrust law, and we have the Sherman antitrust law. No additional legislation is needed.

Mr. STONE. Maybe not.

Mr. MARTINE of New Jersey. In answer to the suggestions of the Senator from Missouri, I will state that he says he knows these things. The public does not know anything about them. The public does not know that any steps are being taken. This is the first time I have heard that the departments were investigating the subject, or I perhaps should not have pressed the resolution. At all events, what earthly harm can be done by passing this resolution, as an expression of sentiment on the part of this great body that we protest against this thing, and that we ask the machinery of our courts to investigate this greedy monopoly, and, if possible, to take them by the throat and, if they have any lawful life, to squeeze it out and let the public have their inroads for a little time?

Mr. CHAMBERLAIN. Mr. President, I ask for the regular order.

Mr. SMITH of Michigan and other Senators. Oh, no!

Mr. MARTINE of New Jersey. I ask that we may have immediate consideration of the resolution.

Mr. CUMMINS. Mr. President, I hope I may be indulged just a moment while I suggest to the Senate, and especially to the Senator from New Jersey, that I know that there is now pending before the Federal Trade Commission a proceeding intended to develop the whole subject. It is upon a complaint that the Standard Oil Co. of Indiana is in conspiracy with the several Standard Oil Cos. of the eastern country, the effect of which is to lift the prices of gasoline in the eastern country not directly served by the Standard Oil Co. of Indiana far above the prices in the western country, in which there is some competition brought about by independent refiners and dealers in oil. I am sure that the result of the investigation will be promptly referred to the Department of Justice, and I sincerely hope that the conspiracy which I believe exists will be exposed and overthrown.

Mr. SMITH of Georgia. Mr. President, I wish to add to what has been said that I am advised that the Trade Commission will report probably within the next two or three days; that they have about completed their work, and that certainly within the next five days the result of their work will be made public.

Mr. MARTINE of New Jersey. In the nature of things this can do no harm. It will only be another little jog. I have never been in a lawsuit in my life, thank God, but I do know the eternally slow processes of the law. I want just to punch the thing up by this gentle admonition that the Senate of the United States are onto the methods and ways of this monopoly, and we mean that the public shall be apprised of it.

Mr. SMITH of Michigan. Mr. President, I hope the honorable Senator from New Jersey will stand his ground and not yield. We should have a test of this question now. The people have been imposed upon long enough, and the Department of Justice should wake up to the outrage that is being perpetrated by this combination.

Mr. MARTINE of New Jersey. The Senator need not worry. I shall stand my ground, as I always do. I am not cowed by the Standard Oil Co.'s influence.

The VICE PRESIDENT. Is there any objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. OLIVER. Mr. President, I suggest that there are statements of facts in the preamble of the resolution that place the Senate on record as to certain statements. I do not believe all Senators would want to be considered as indorsing all of the statements of facts contained in the "whereases."

Mr. MARTINE of New Jersey. I think the Senator from Pennsylvania is a very liberal user of gasoline in his sumptuous automobiles, and I should think—

Mr. OLIVER. Oh, Mr. President, I wish the Senator would stick to the subject. I am talking about what is said in the preamble.

Mr. MARTINE of New Jersey. I stand by the preamble.

Mr. LODGE. I ask that the preamble of the resolution may be read again.

The VICE PRESIDENT. The Secretary will read the preamble. The Secretary read as follows:

Whereas, in the stride of human progress and invention, gasoline has become as much a necessity to the thrift and welfare of the American people as a source of power and propulsion as is coal; and Whereas the commercial cost of the same has been advanced from time to time until it has reached a most unreasonable figure, thereby imposing an unjust burden on the people; and Whereas this product is controlled by a trust, to wit, the Standard Oil Co.: Therefore be it

Resolved, etc.

Mr. LODGE. Mr. President, as a question of fact, I thought the Standard Oil Co. had been broken up and dispersed into its original parts for the purpose of promoting competition. I thought we had had a great legal process which had had that result. This is saying that the action of the courts and the action of the Government have not broken up the Standard Oil Co.; that it is still in existence as a trust.

Mr. MARTINE of New Jersey. Mr. President, I should like to say, with reference to that, that the Senator from Massachusetts realizes that the Standard Oil Co. was organized under the régime of the Republican Party, and, like very many of the schemes that were organized under the beneficent influence of that party—

Mr. LODGE. I remember that it was organized in New Jersey. [Laughter.]

Mr. MARTINE of New Jersey. It was organized under the Republican Party, and hence has a foundation very deep and very difficult to shake. All we want is a little extension of time and we will shake it from its moorings.

Mr. HARDWICK. Will the Senator from New Jersey yield to me?

Mr. MARTINE of New Jersey. Yes.

Mr. HARDWICK. Would it not be just as well to strike out the preamble and adopt the resolution?

Mr. MARTINE of New Jersey. Why, yes; since the public know it, I am willing to strike out the preamble and have the resolution adopted.

Mr. HARDWICK. Let us do that, then.

Mr. LODGE. Let us have the resolution read.

Mr. MARTINE of New Jersey. I can not understand, though, the exceeding timidity of the Standard Oil Co. Why, in the name of heaven, should we—

Mr. LODGE. Mr. President, I believe I have the floor, and I ask for the reading of the resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

*Resolved by the Senate of the United States (the House of Representatives concurring therein), That the Attorney General of the United States be, and is hereby, directed to cause an investigation of the subject as to whether this phenomenal increase in price of this article is the result of any violation of the laws of the United States.*

Mr. LODGE. I think the resolution is wholly proper, and I hope it will pass. It seems to me, however, that the preamble is rather—

Mr. MARTINE of New Jersey. I think they are very justifiable parts of the whole, and I can not see any reason for timidity in arraigning the Standard Oil Co. It has been obnoxious and an abomination to the minds of all fair-minded men ever since it existed, and around my particular part of the country it practically overshadows me. Its officials live in multimillionaires' houses on all sides, and bask in public favor. God knows I am not frightened by them, and I do not know why the Senator from Georgia should be.

Mr. HARDWICK. Mr. President, has the Senator finished?

Mr. MARTINE of New Jersey. I have finished, if the Senator wants to ask me a question; yes.

Mr. HARDWICK. No; I will take the floor in my own right.

Mr. MARTINE of New Jersey. All right; proceed.

Mr. HARDWICK. Mr. President—

The VICE PRESIDENT. The Senator from Georgia.

Mr. HARDWICK. I am not at all frightened about the Standard Oil Co. or anything else, that I know of; but the Senator's resolution, with which I am thoroughly in sympathy, commits the Senate to a lot of statements of facts as to which I do not know whether they are true or not; that is all. It is bad policy for a legislative body to be adopting preambles containing a number of statements that may or may not be true. With the resolution itself I am in hearty sympathy; but as to the rhetoric embodied in the preamble, while I am in sympathy with it if it is accurate, I do not like to—

Mr. GALLINGER. The Senator means alleged facts, does he not, not facts?

Mr. HARDWICK. Well, yes.

Mr. GALLINGER. Not necessarily facts.

Mr. HARDWICK. Of course, I mean that I do not know whether they are true or not, and that is always the objection to preambles; so that I wish the Senator's resolution were differently phrased. I wish it directed that the Attorney General at once proceed to enforce the laws which we have on the statute books, which are ample for any purposes that have been disclosed by the statement of any Senator here, instead of directing a mere investigation.

I am not at all tender-footed about the proposition. The facts have been abundantly investigated already. What the Senate ought to do is to pass a resolution requesting the Attorney General to proceed to enforce the existing laws. I do not see why we should be expected to indorse a preamble that may or may not contain accurate statements of facts or alleged facts.

Mr. MARTINE of New Jersey. Well, Mr. President, I should like to ask whether it is within the range of propriety that I might divide the resolution and ask the sentiment of the Senate on the preamble?

Mr. LEWIS. Mr. President, will the Senator yield to me?

Mr. HARDWICK. I yield to the Senator from Illinois.

Mr. LEWIS. The Senator from Georgia does not mean to indicate, by his observations, that the present Attorney General or the Department of Justice is failing in any particular respect to enforce the law?

Mr. HARDWICK. No; I simply supposed that they were not proceeding with this particular matter or the Senator from New Jersey would not have presented the resolution.

Mr. STONE. They are.

Mr. HARDWICK. They are proceeding with respect to this very matter? Then it seems to me we do not need the resolution at all. I have no particular objection to the resolution, but if I were drawing the resolution it would have been a good deal stronger than this rhetorical resolution of the Senator from New Jersey.

Mr. MARTINE of New Jersey. The Senator from Georgia did not draw the resolution. I did. I imagine it might be couched in different terms, but I stand by the resolution and the preamble. I should like to have a vote on it.

Mr. SMOOT. Mr. President, I am in full accord and sympathy with the object of the resolution. While I know that the Department of Justice is at this very time investigating this matter, and that another department of the Government is also doing so, I have no objection to the passage of the resolution.

The Senator desires a vote upon the question as to whether the preamble shall be included in the passage of the resolution.

In order that he may get that vote and get the sense of the Senate upon it, I move to amend the resolution by striking out the preamble.

Mr. LODGE. Mr. President, a parliamentary inquiry. The vote comes first on the resolution, does it not?

Mr. MARTINE of New Jersey. The resolution is a whole and the preamble is a part of it.

The VICE PRESIDENT. In order to settle this matter, if it can be settled this morning, the Chair will state that he is of the opinion that the vote is on the resolution, and then the question will be, Shall the preamble stand?

Mr. SMOOT. That is according to the rules.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. McCUMBER. Mr. President, the Senate perhaps has forgotten that some time ago a resolution was introduced by myself calling upon the Secretary of the Interior for all possible information concerning the production and output of gasoline, calling attention to the high prices that were being charged, and asking for a most thorough investigation and report.

The Secretary of the Interior gave us a very good report covering every portion of the question, and I think it established two things: First, that there was more gasoline in sight now and available for use than ever before in any one year; secondly, that the companies—about three in number—furnishing almost all of the gasoline, were receiving enormous profits; that the dividends of some of these companies were running even over 100 per cent. There was at least enough in the report to indicate that there was a general understanding as to the matter of prices and that the prices charged were far greater than were necessary to secure a reasonable return upon the investment.

I was informed that the Department of Justice were investigating that subject, and I think with the report and with the passage of this resolution, which may accelerate their activities, we may get some good results, and I shall take pleasure in supporting the resolution. It does not seem to me to make much difference whether we denominate the Standard Oil Co. as a trust or not. The fact remains that it is the principal producer of the finished product in the United States and has very much to do with the matter of fixing the prices.

Mr. MARTINE of New Jersey. I will state to the Senator that I was not aware of the fact of the introduction of the resolution of investigation, but it seems to me that that is another verification of the wisdom of my preamble. It is an admitted fact, and I am justified richly. When the Senator from Missouri referred again to the fact that the department, he knew, were investigating this matter, it brought to my mind a little line or two in the Bible, where it says, "Let us not be weary in well-doing." So if these gentlemen have admonished the Attorney General and the Department of Justice of the wisdom and necessity of this action and have stirred them up, then I think there is an additional reason for jogging them on a peg, at least.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

Mr. McCUMBER. May I just call the Senator's attention to the fact that the letter of February 3, 1916, printed now as a public document, is replete with all the facts necessary to understand the gasoline situation.

Mr. THOMAS. May I ask the Senator the number?

Mr. McCUMBER. It is Document No. 310.

Mr. THOMAS. Thank you.

Mr. MARTINE of New Jersey. The price goes up notwithstanding that.

Mr. SUTHERLAND. Mr. President, I have not the slightest doubt in my mind that the increase in the price of gasoline we have witnessed during the last few months is altogether without excuse, and it is quite likely that when the matter is thoroughly investigated it will be found that some people are violating the law and ought to be prosecuted.

I have no objection to this resolution being passed, but I take occasion to say, however, that it has no more force or effect than a resolution of a similar kind passed by any respectable unofficial gathering of gentlemen. It is not the business of the Senate; it is not legislative business. When we pass such a resolution we are undertaking gratuitously to give advice to the executive department of the Government, which, under the Constitution, is charged with the full responsibility of executing the law, a function with which we have nothing to do.

I think we ought to be rather chary of passing resolutions of this character, because, however important the subject may be, after all, whenever we do it, we are invading the province of a coordinate branch of the Government. The Constitution says that the President shall take care that the laws shall be executed, and this is nothing more than advice to the Executive,

and must proceed upon the theory that we are fearful that the Executive will not discharge his duty unless we resolve ourselves into a sort of town meeting for the purpose of telling him what it is.

Mr. HARDWICK. I should like to ask the Senator a question before he takes his seat. Does the Senator see any impropriety in either branch of Congress, or both Houses of Congress, advising the Attorney General in this case?

Mr. SUTHERLAND. I have already said that I do not object to the resolution, although, I repeat, we are not passing it in pursuance of any legislative or other power which we possess.

Mr. HARDWICK. No.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The VICE PRESIDENT. The question is, Shall the preamble be agreed to?

Mr. ASHURST. Mr. President, I merely wish to take two or three minutes. Some levity was manifested in the Chamber when our distinguished friend from New Jersey [Mr. MARTINE] inserted in the preamble the statement that the Standard Oil Co. has a monopoly. I do not think anybody denies that. The Standard Oil Co. does not deny it, because when we had before the Senate Committee on Indian Affairs the resolution introduced by the distinguished Senator from Pennsylvania [Mr. OLIVER] to investigate the Osage oil leases it was declared then, with regard to one producer, a certain man named Mr. Barnsdall, that the Standard Oil Co. controlled the directors in his company, and he testified before the committee that they were so grasping that they required him to permit that his oil and the by-product thereof should be marketed through the Standard Oil Co. The testimony was to the effect before the committee, and no one denied it, that the Standard Oil Co. absolutely controls the oil.

Mr. HARDWICK. I just wish to ask the Senator, is it true or only a fiction that the Standard Oil Co. has been dissolved?

Mr. ASHURST. I presume that legally it has been dissolved, but in fact it has not been dissolved, and every Senator knows it.

The VICE PRESIDENT. The question is on agreeing to the preamble.

Mr. SMITH of Georgia. I ask for a division of the preamble. There are two propositions in it. The first I think we can all vote for. The second declares that the Standard Oil Co. is still entirely in control. We can not vote for some of it, because we have been advised by the judgment of the court that it has been dissolved, and it was separated into five different parts or more. I should like the first part, protesting against the high price, to be first voted upon.

Mr. MARTINE of New Jersey. I am quite willing to have it divided and to vote, first, on the first part of the preamble.

Mr. SMITH of Georgia. The first part directs the Attorney General, and I have not any doubt the Attorney General is doing his duty. I have not any doubt he is at work upon it; I have not any doubt that the Interstate Trade Commission has been at work upon it; and that they are working just as fast as they can to accumulate a proper basis for a proceeding.

Mr. GALLINGER. I observe that Rule XVIII, I believe it is, has been lost sight of in this debate, and a great deal of valuable time has been taken when we ought to be giving consideration to the Army bill. I move to lay the preamble on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire, to lay the preamble on the table.

Mr. MARTINE of New Jersey. I ask for a roll call.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KERN (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is paired with the Senator from Idaho [Mr. BRADY]. The senior Senator from Florida is absent on official business. I will let this announcement stand for the day.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN] and I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK], who is not present. If I were at liberty to vote, I would vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. For that reason I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Florida [Mr. BRYAN], with whom the Senator from Michigan [Mr. TOWNSEND] is paired, and that will allow the Senator from Michigan and myself to vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I am at liberty to vote, and vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote if here, I will withhold my vote.

The roll call was concluded.

Mr. LIPPITT (after having voted in the affirmative). I have a pair with the senior Senator from Montana [Mr. WALSH]. I observe that he has not voted, and I withdraw my vote.

Mr. DILLINGHAM. I observe that my general pair, the senior Senator from Maryland [Mr. SMITH], is absent, and I withhold my vote. I make this announcement for all other votes during the day.

Mr. LODGE. My colleague [Mr. WEEKS] is absent from the Chamber. He has a general pair with the Senator from Kentucky [Mr. JAMES].

Mr. JAMES (after having voted in the negative). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Arizona [Mr. SMITH] and allow my vote in the negative to stand.

Mr. KERN. I desire to announce the unavoidable absence of the Senator from Arizona [Mr. SMITH], on account of illness. This announcement may stand for the day.

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL]. He is absent and I withhold my vote.

I wish also to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. HOLLIS. I wish to state that the senior Senator from Maine [Mr. JOHNSON] is necessarily absent.

Mr. GRONNA (after having voted in the negative). I have voted, but I have a general pair with the Senator from Maine [Mr. JOHNSON], and, as I can not get a transfer, I will be compelled to withdraw my vote.

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN], and I therefore withhold my vote.

Mr. SMITH of Michigan (after having voted in the negative). I am paired with the junior Senator from Missouri [Mr. REED], but the pair is of such a nature that I am at perfect liberty to vote on this question, and I will let my vote stand.

Mr. GALLINGER (after having voted in the affirmative). I have a general pair with the Senator from New York [Mr. O'GORMAN] who is absent. Not knowing how that Senator would vote on this motion, I withdraw my vote.

The result was announced—yeas 23, nays 35, as follows:

#### YEAS—23.

Bankhead	du Pont	Overman	Sterling
Beckham	Harding	Page	Thomas
Borah	Hardwick	Ransdell	Underwood
Brandegee	Lodge	Sherman	Wadsworth
Burleigh	McLean	Shields	Warren
Curtis	Oliver	Smoot	

#### NAYS—35.

Ashurst	James	Martine, N. J.	Smith, Mich.
Chamberlain	Johnson, S. Dak.	Myers	Smith, S. C.
Clapp	Jones	Norris	Taggart
Culberson	Kenyon	Poinexter	Thompson
Cummins	Kern	Pomeroy	Tillman
Hitchcock	Lane	Saulsbury	Townsend
Hollis	Lee, Md.	Shafroth	Vardaman
Hughes	Lewis	Sheppard	Works
Husting	McCumber	Smith, Ga.	

#### NOT VOTING—38.

Brady	Fletcher	Nelson	Smith, Ariz.
Broussard	Gallinger	Newlands	Smith, Md.
Bryan	Goff	O'Gorman	Stone
Catron	Gore	Owen	Sutherland
Chilton	Gronna	Penrose	Swanson
Clark, Wyo.	Johnson, Me.	Phelan	Walsh
Clarke, Ark.	La Follette	Pittman	Weeks
Colt	Lea, Tenn.	Reed	Williams
Dillingham	Lippitt	Robinson	
Fall	Martin, Va.	Simmons	

So the Senate refused to lay the preamble on the table.

Mr. STONE. I should like to have the last clause of the preamble read.

Mr. JAMES. Let it all be read. Some of the Senators now present were not here when it was read.

Mr. STONE. My request is that the last clause be read.

The VICE PRESIDENT. Of the preamble?

Mr. STONE. Of the preamble.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

And whereas this product is controlled by a trust, to wit, the Standard Oil Co.

Mr. STONE. Mr. President, it is needless to say that I have no special concern, and I think it would be needless to say that no Senator has any special concern, about the Standard Oil Co. or any other manufacturer of gasoline. My objection to that clause of the preamble just read is that it selects one manufacturer and indicts him before the Senate and the country as if it were the only criminal. I have no objection to indicting one, but I do not wish by that act of indictment to appear to excuse others who are equally guilty.

I confess I am not very familiar with this subject, but my general information is that there are several distinct and separate companies engaged in manufacturing gasoline, and while I do not know it to be true and therefore I do not charge it to be true, I believe that there is an unlawful combination between these several manufacturers of gasoline to establish arbitrary and artificial prices and force a most outrageous advance in the cost of gasoline to the consumers of the country. These people are criminals and ought to be convicted and sent to prison.

It would seem to me, if I might make the suggestion to my friend from New Jersey, that this clause of the preamble would be better phrased if he had said "there being an unlawful combination between the makers of gasoline to extort from the consumers of the country," without charging that only one of these manufacturers was guilty. I am convinced there is more than one.

Mr. MARTINE of New Jersey. Mr. President, it seems that all of these companies are part of an harmonious whole. Referring to this report, which was the result of the inquiry of the Senator from North Dakota [Mr. McCUMBER], I find that, among other things, it speaks of the Imperial Oil Co. (Ltd.), of Canada. It also states that the Standard Oil Co. of New Jersey controls 80 per cent of this product, and if you will read further you will find it is stated that the Standard Oil Co. is the predominating owner and controller, the life and animus of all these corporations. With all this information, are we to go before them with bended knee and tearful eye, and say we can not tell the truth about them simply because they are the Standard Oil Co.? I urge you, in God's name, not to do that. I have no timidity in the matter. This great monster was organized and incorporated under the laws of New Jersey, and it has robbed the people for a quarter of a century.

Mr. SMITH of Georgia. Would not the Senator from New Jersey accept a substitute for the last line in his resolution? Instead of designating merely one company, would he not say?—

And whereas it is apparent from the uniformity in the increase of price that an unlawful combination exists between producers thereof.

Mr. MARTINE of New Jersey. Mr. President, I submit my case to the good sense and fairness of the American people and of the United States Senate. I can not believe anything else other than what I have stated. I do not want to say that I believe the moon is made of green cheese when I know that is not true.

The Senator from Georgia [Mr. SMITH] knows, and everybody else knows, that the Standard Oil Co. is the all-pervading and all-powerful monopoly that controls the entire oil product of this country and all of its by-products as well.

Mr. SMITH of Georgia. I believe it dominates them in some way or other.

Mr. MARTINE of New Jersey. In God's name, then, why shall we not say we believe that?

Mr. SMITH of Georgia. I do not know that; but I have no doubt there is a combination which is illegal.

Mr. GALLINGER. Mr. President, I call attention to Rule XVIII of the Senate.

The VICE PRESIDENT. The Chair was just about to do that.

Mr. GALLINGER. One Senator has now spoken about a dozen times, when the rule provides that he shall speak not more than twice on a subject.

The VICE PRESIDENT. The rule provides that a Senator shall speak only twice on one subject. Certainly the Senate now knows all about this question.

Mr. POMERENE. Mr. President, I do not think the amendment proposed by the Senator from Georgia [Mr. SMITH] any more nearly states the facts than does the original resolution. The Senator from Georgia speaks of the uniform increase of price in gasoline. I have in my office a letter from a consumer of that article in Cincinnati, which indicates that there is a difference in the price of gasoline in the several larger cities of the country, aggregating 10 cents per gallon—a greater difference in the price of gasoline in those several cities than was the total price of gasoline two or three years ago. I have not any doubt in my mind but that there has been some artificial increase in price, and some variance in the prices of gasoline

due to some effort on the part of the manufacturers of that article.

There seems to be some question in the minds of Senators as to whether or not the Standard Oil Co. is a trust. The decision of the Supreme Court a few years ago, notably the opinion handed down by the Chief Justice, recited that by the undisputed facts disclosed in the record the Standard Oil Co. was a trust, in violation of both the first and second sections of the Sherman antitrust law; but, notwithstanding the fact that the company existed and operated in violation of those sections, no criminal prosecution was ever begun against the Standard Oil Co., and the matter was allowed to drift along until the criminal acts referred to by the Supreme Court were barred by the statute of limitations.

At the time the decree was entered it was believed that it would not succeed in dissolving this trust. It was a very peculiar decree, one which allowed common holdings in all the several companies into which this company was supposed to be dissolved; and I do not think there was a soul in the United States, outside of the Attorney General himself, who believed that it would result in the dissolution of the trust or grant any relief to the people. Within a short time after this so-called decree of dissolution was entered the prices of the stocks of the Standard Oil Co. increased beyond any point that they had ever reached at any period in its history. In view of the effect which present conditions have had upon the price of gasoline, I have no doubt whatever in my mind that there is a combination, a trust, if you please, in violation of the Sherman antitrust law, and I am not at all squeamish about voting for this preamble.

Mr. STONE. Mr. President, will my friend from Ohio permit me to interrupt him?

Mr. POMERENE. Yes.

Mr. STONE. Mr. President, I agree with everything the Senator from Ohio has said, so far as the Standard Oil Co. is concerned. I agree that it has been a grasping and lawless concern, and I do not care with what strong iron grip it may be taken by the throat; but I want to call the attention of the Senator from Ohio and of the Senate to this fact, and I do not want them to overlook it: When we had the tariff bill up two years ago before the Committee on Finance, of which I am a member, and we were talking about taxing gasoline to raise revenue, what occurred? The Standard Oil Co. shrank back in the shadow; it made no appearance, but the so-called independent producers of oil and gasoline came crowding under the banner of "independence" before the committee, to say to us that the Standard Oil Co. was the concern that wanted a tax, and that it alone would profit by the tax and all "independents" would be ruined. My friends on that committee—I happen now to have my eye on the senior Senator from Colorado [Mr. THOMAS]—will recall that these so-called "independents" prevented a revenue tax on gasoline on the plea that it would help the Standard Oil and ruin the "independents." I am not going into that argument now; but these very gentlemen to-day are not offering to the American people, the consumers of the country, any concession; they are not selling cheaper; they are not helping the consumers; they are cheek by jowl with the Standard Oil. If the Standard Oil Co. is leading in this trust or combination, or whatever you call it, the so-called independents, who came with tears in their eyes before the committee and before Congress two years ago, are participants in this crime. I want to see all of them denounced alike and punished alike. I shall remember these independent mendicants when next they appear before the Finance Committee.

Mr. POMERENE. Mr. President, I agree with the Senator from Missouri in the belief that many of these independent companies are only independent in name.

Mr. MARTINE of New Jersey. Mr. President, I think it would be well that the world might understand all of the facts—

The VICE PRESIDENT. The Chair will certainly be compelled to enforce the rule. The Senator from New Jersey has made five or six speeches, and the rule gives him the privilege of making but two on a given subject.

Mr. MARTINE of New Jersey. I trust, in the interest of the people, I may be allowed to make another one, making the number seven. I shall make no extended speech.

The VICE PRESIDENT. There has been objection, and the Chair must enforce the rule allowing a Senator but two speeches on one subject.

Mr. MARTINE of New Jersey. Well, I ask leave of the Senate that I may have printed in the RECORD certain figures as to the prices of the product of gasoline to-day, showing that it is not a dearth of supply which occasions the increased prices.

Mr. GALLINGER. Mr. President, they have already been printed.

Mr. McCUMBER. Mr. President, as the Senator from New Jersey [Mr. MARTINE] has exhausted his time, and I have not, I think there should be read by the Secretary, and I ask permission of the Senate that the Secretary may read, practically one page of Senate Document No. 310, consisting of the portions which I have marked, which will clearly indicate the cause of the high prices of gasoline in the enormous amounts that have been paid out in cash dividends and in stock dividends. I call attention to the latter part of page 21 and nearly all of page 22, and I ask that the marked portion may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary proceeded to read, and read as follows:

(f) Financial influences: The recent rapid increases in the prices of crude oil and gasoline—

Mr. McCUMBER. May I say here that that is in response to the question, "What cause, if any, can be given for the sudden extraordinary rise in the retail price of gasoline?"

Mr. BRANDEGEE. Who is answering the question that is propounded?

Mr. McCUMBER. The Secretary of the Interior.

The Secretary resumed the reading, and was interrupted by—

Mr. VARDAMAN. Mr. President, may I interrupt the reading long enough to ask the Senator from North Dakota from what the Secretary is reading?

Mr. McCUMBER. He is reading from the report of the Secretary of the Interior in response to a resolution which was passed by the Senate. The document is Senate Document 310, Sixty-fourth Congress, first session.

The Secretary resumed and concluded the reading, as follows:

(f) Financial influences: The recent rapid increases in the prices of crude oil and gasoline have been accompanied by rapid increases in the market quotations of oil company shares. The market values of the capital stocks of 38 corporations, of which 35 are in the Standard Oil group and 3 are typical large independent companies, have increased remarkably in the last six months. (See Pl. II, curves D and E.) The stocks of other oil companies probably show a similar rise, but the quotations are not at hand. The 38 companies selected are believed to represent all phases of the oil industry. These rapid increases might be ascribed to the general condition of prosperity and the general upward trend of the stock market but for the fact that during the last quarter of 1915 the oil company stocks did not rise and fall with the market. The weekly curve of The Annalist showing the course of the stock market as indicated by the average price of 50 stocks—25 railroad and 25 industrial—shows that the market was rising rapidly during October, while the oil companies either remained stationary or fell off slightly. More striking, however, is the fact that during November, when the stock market was falling, the oil stocks were rising rapidly, and that during December the rise of oil stocks was many times more rapid than that of the general market. (See Pl. II, curves C, D, and E.) It should be noted also that the stocks of the three typical large independent companies have risen much more rapidly than those of the Standard group. (See Pl. II, curves D and E.) Other indications that the rise of oil stocks may be ascribed in part at least to increased profits are found in the following quotations, the first and second being from the Commercial and Financial Chronicle, of New York, for January 22, 1916:

"Standard Oil of California—50 per cent stock dividend: A stock dividend of 50 per cent has been declared on the \$49,686,655 stock, payable April 15 to holders of record March 4, along with the regular quarterly 2 1/2 per cent cash distribution payable March 15 to holders of record February 9." (Vol. 100, p. 896.)

"Imperial Oil Co. (Ltd.), Canada—Stock dividend: This company, which on November 15, 1915, filed with the secretary of state of Canada a certificate of increase of authorized capital stock from \$15,000,000 (\$11,000,000 outstanding) to \$50,000,000 (par \$100), has this week distributed a stock dividend of 100 per cent, thus increasing the outstanding stock to \$22,000,000. The Standard Oil Co. of New Jersey is said to own an 80 per cent interest."

The Financial Times of Montreal on November 27 said: "The Imperial Oil Co. is one of the most progressive and promising of the subsidiaries of the Standard Oil Co. of New Jersey. In 1907 the company's outstanding capital stock amounted to only \$1,000,000. Practically all additional sums up to \$11,000,000 are said to have been for extensions, etc."

The third quotation is from Petroleum Age of New York for December, 1915:

#### "OIL AND GAS SECURITIES."

"Convincing proof of the amazing recovery within the oil industry in the last half of 1915 is furnished by the dividend declarations of the Standard Oil group for the last quarter, which reached the astonishing total of \$21,788,636, which is the record for any quarter since the dissolution, with the exception of the first quarter of 1913, when Standard Oil Co. of New Jersey made its famous 40 per cent cash distribution. True it is that of this sum, \$4,890,000, representing the 15 per cent dividend of Illinois Pipe Line, 5 per cent by Prairie Pipe Line, and 3 per cent by Prairie Oil & Gas Co., will not be payable until January 15, but all of them are payable to December shareholders and represent distributions from 1915 profits."

"Including these sums, the total of regular and extra cash dividends since the dissolution in December, 1911, reaches the impressive total of \$290,666,083, to which must be added stock dividends at par totaling \$169,100,000. Taking into account the present market value of the distributed stock, the cash value of all distributions in the last four years by this group is in excess of half a billion dollars."

"The market effect of this enormous earning capacity is strikingly reflected in the steady appreciation in value of the old Standard Oil

Co. of New Jersey stock 'all on,' which has risen from less than 650 at the time of the dissolution in December, 1911, to a new high record of 1770 during the current month. As the variation of price in this comprehensive security reflects the general trend of the oil securities markets, the accompanying 'graph' will illustrate the course of the industry in the past four years."

Mr. HUSTING. Mr. President, I understand there appears to be some fear that the Senate, by adopting the preamble of the resolution, may go on record as to something which has not been established as a fact. I understand there are two statements of facts contained in the preamble, one that the price of gasoline and oil has risen. I apprehend there is no doubt about that fact. Another statement is that the Standard Oil Co. has a monopoly of the oil business of the United States. I do not think anybody seriously doubts that fact. I think that is something that is accepted as a matter of fact, as a matter of common knowledge. But if anybody would like to convince himself of it, I would suggest that he read the hearings before the Committee on Indian Affairs of the United States, Sixty-fourth Congress, first session, and he will there learn that it is taken as true. No one disputes the fact that the Standard Oil Co. is in control of the oil business, and, moreover, a great many so-called independent operators are in fact under the thumb and control of the Standard Oil Co.

In fact, the evidence produced at the hearings goes to show that even independent or so-called independent operators holding leases under the United States as trustee for the Indians are virtually controlled by the Standard Oil Co.; and as one illustration I should like to point to the case of T. N. Barnsdall, an operator of oil lands in Oklahoma. He was the holder of a lease which expired on March 16 of this year—this month, in fact—and had under his control something like 240,000 acres of Indian oil lands. He held under the Foster lease, so called. Mr. Barnsdall is classed as one of the independent oil operators; and in the course of the hearing, where he appeared for the purpose of having his leases renewed, and in support of a resolution offered by the Senator from Pennsylvania [Mr. OLIVER], he made certain statements as to the facts. On page 66 Mr. Barnsdall was asked this question:

Senator CURTIS. I should like to ask you, Mr. Barnsdall, if you are limited to the amount of land that they have allotted you under these rules and regulations, how long would it take you to recover the amount of money that you are now out for development there?

Mr. BARNSDALL. Well, it would take me a good long time, but if half of my wells are sold away from me and I have got nothing to keep my production up, at least no lease, why, the Standard Oil Co. would close out my loan, and that would be a serious thing to me, because it will take a lot of my stocks that I have been 25 years accumulating, and they are valuable, but when you come to sell anything there are not any buyers; you do not get anything for it as a rule, not very much, and that is the hardest part of this thing to me. If I can get some leases renewed, and my wells, the Standard Oil Co. have promised, by letter to me, that they will extend my matters for three years.

Then he was asked this question:

Senator OWEN. Does the Standard Oil Co. pay you as much as the other pipe lines would pay you?

Mr. BARNSDALL. Well, they make the price down there, although the independent refiners are now having to pay a premium.

Mr. Barnsdall testified substantially that he could not operate, that the Standard Oil Co. would not let him operate, or that they would foreclose on him unless he got renewals, and that he could not sell to any other companies until he had paid up his account with the Standard Oil Co.

Senator HUSTING. You said you did not think you could sell to any other oil companies until you had paid up the Standard Oil. Why is that?

Mr. BARNSDALL. I could sell any other oil company. I do sell the National Refining Co., of Cleveland, some oil in Oklahoma. I can sell oil that they have not loaned this money on to anybody that I want to, but I could not very well with the mortgage and they running the property. I could not very well sell it to anybody else. I would have to sell it to them.

Senator HUSTING. Will you explain that to us. You say they are running the property.

Mr. BARNSDALL. Not the Standard Oil Co., but it is people that they got. When I made the loan they had Mr. Young—he never does anything without letting me know, but at the same time I do not see how I could sell any oil to an independent, or to anybody outside of them from that property until I have paid for it.

Now, this question was asked by Senator WALSH:

They—

Meaning the Standard Oil—

have named three of your five directors, have they not?

Mr. BARNSDALL. Yes, sir.

So that the Standard Oil Co. had three out of the five directors running Mr. Barnsdall's plant, who were telling him to whom to sell, how much to charge, and in fact they were running his business—running the business of Mr. Barnsdall under a lease which he was holding from the United States as trustee for the Indians, so that in a way even the oil lands under the control of the United States, namely, the Indian lands, which it is holding in trust, is finding its way into the hands of the Standard Oil Co.

There were about 260 holders of leases under the Foster lease, and many of them appeared before the committee and stated that they were independent oil producers. They were asked questions like this over and over again, until such time as the committee grew tired of the same questions and the same answers: "What do you do with your oil?" "Why, we have to sell it to the Standard Oil Co. or some other pipe-line company." "Who makes the price?" "The Standard Oil Co. makes the price." "How do they make it?" "They post it up every morning." That is for the raw oil. Then the question was asked them later: "Who fixes the price of the oil to the consumer?" "The Standard Oil Co. fixes the price to the consumer, and everybody has to sell at the price fixed by the Standard Oil Co." The question was asked then: "What would happen if you bought oil or sold oil for a different price than that fixed by the Standard Oil Co., or sold oil to the consumer for less than the price fixed by the Standard Oil Co.?" The answer was that they would close them out or run them out of the territory, or words to that effect.

So that when we talk about independent operators, men having wells that produce 10 or 20 barrels a day, or even some who in the aggregate produce a great deal more than that, they are only independent in the sense that they are allowed to take the oil out of the ground under their own auspices; but when they want to sell it they have got to sell it at a price fixed by the Standard Oil Co., and the people have got to buy the refined product at the price fixed by the Standard Oil Co. I know that when some of us, one or two of the unsophisticated new members of the committee, asked these questions we were looked upon with pitying scorn by the operators as asking a very foolish question, namely, as to whether or not the Standard Oil Co. was controlling the oil business. It was all one story, all to one effect, and that was that the Standard Oil Co. was in the saddle in the oil business of the country. If I remember correctly, I think that fact was admitted by the Secretary of the Interior at that same hearing; and no one seems to know just what the remedy is.

In reply to what the Senator from Missouri said about the independent operators appearing and protesting against the tax, I can easily understand that. The Standard Oil Co. can lower the price of the raw product that it must buy and can raise the price of the refined product which it sells to the public at any time it wants to, and we are in this position: If we raise the tax on them, all they have to do the next morning is to post their prices accordingly, so that it simply wipes out the tax and loads it on to the back of the producer or the consumer. They have nothing to fear; but the independent oil producer, who has to sell to the Standard Oil Co. and whose selling price is fixed by the Standard Oil Co., has no remedy but to pay the tax. In other words, a tax levied upon the oil as against the Standard Oil Co. merely results not in increased taxes upon the Standard Oil Co., but in increased prices to the consumer.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. HUSTING. Certainly.

Mr. BORAH. From the Senator's investigation of this matter does he believe there are any independents?

Mr. HUSTING. Well, there are independents in the sense that I believe that there are some that are operating on their own capital, men who get some little oil out of the ground. To that extent they are independent oil operators and oil-producing companies. I take it for granted that there are some that are independent.

Mr. BORAH. But there are no independents who can reach the public or affect the price?

Mr. HUSTING. Personally, I do not believe there are. I do not believe they can. The evidence taken before the committee shows that there are none.

It was stated before the committee that there was no company in the United States that could compete with the Standard Oil Co. Why? Because the latter either produces the oil or buys it at its own price; transports it in the pipe lines, whose rates, I think, it controls; runs it into refineries that it owns or that it controls; and last, but not least, has selling agencies in every city and in every little town in the United States, and no one is in a position to market their oil as it is.

Why, we need not look for causes. A company that is powerful enough to fix the price at which it will buy the raw product, and powerful enough to fix the price at which it will sell to the consumer the refined product, controls the situation. It does not make any difference as to the whys and the wherefores; the fact of itself establishes the truth of the claim that the Standard Oil

monopolizes and controls the whole oil business. When these men came before this committee and said that the Standard Oil Co. posted notices telling how much they would pay for the raw oil or petroleum, and also posted notices as to the price they would charge the consumer, I do not not know of any power that is any greater than that. It is certainly greater than the power of the United States itself, which can not control the price of either.

So I say, as far as a tax against oil is concerned, in answer to the Senator from Missouri, I can easily understand that a tax levied against the Standard Oil Co. merely puts the tax on the backs of the consumer. In other words, it results in the advance of oil; but a tax that has to be paid by the so-called independent operator comes out of his pocket, of course, because he has not any influence or any control over the price of the product.

Mr. SMOOT. Will the Senator yield for a question, just for information?

Mr. HUSTING. Certainly.

Mr. SMOOT. I want to ask the Senator if he knows whether the Texas Oil Co. is an independent oil producer?

Mr. HUSTING. I think they are—so-called independent. I do not know.

Mr. SMOOT. I want information, if the Senator has it. Does the Senator know whether they are a large enough oil producer to have an effect upon the price of gasoline in this country?

Mr. HUSTING. I do not think they pretend to. I believe they will admit that they follow the price fixed by the Standard Oil Co.

Mr. SMOOT. I know they do not pretend to, because I can ask the Standard Oil Co. the price of gasoline, and if they quote 24½ cents and I telephone to the Texas Oil Co. they will quote exactly the same price.

Mr. HUSTING. Exactly.

Mr. SMOOT. To-morrow morning I could telephone to the Standard Oil Co., and if the price had dropped or if the price had risen in 10 minutes I could telephone to the Texas company and the price would be identically the same. I was wondering whether the Texas Oil Co., an independent concern, in reality produces enough oil or gasoline in this country to have an effect upon the price, or whether it follows the Standard Oil Co. up or down in price, and whether it produces enough to affect the price or not.

Mr. HUSTING. Mr. President, I speak from only the information before the committee. They told us—and there was not a dissenting voice—that the price of oil was fixed by the Standard Oil Co. and that it was followed by everyone—everyone that sold oil.

I simply want to say this, in view of the hesitation of some Senators to vote on this preamble. I believe that since this is a matter of common knowledge, and information of this sort comes before a committee and no one contradicts it and it goes unchallenged, they need have no fear or any doubt that the preamble of the resolution declaring that the price of oil has been raised and that the Standard Oil Co. controls and monopolizes our oil supply is not in strict accordance with acknowledged and conceded facts.

Mr. HITCHCOCK. Mr. President, if the Senate does not want to do an idle thing, it should adopt some preamble to the resolution already favorably voted on, directing the Attorney General to investigate the advance in price of gasoline, because the resolution does not mention gasoline, and gives no indication as to the subject of the resolution. If the Senate rejects the preamble to Senator MARTINE's resolution, some other preamble should be adopted.

I agree with others who have said that we need have no delicacy here in mentioning the Standard Oil Co. It seems to me the evidence is complete that a Standard Oil combination exists which controls the price of oil. It controls the price that is paid for the oil to the producers as it is taken out of the ground, and controls the price as it is sold in its refined condition to the consumer. It "holds an umbrella" over the few independents that exist under it; they follow the big company and quote the same price; so, in effect, the Standard Oil monopoly does fix the price for the whole country.

Mr. President, the document from the Secretary of the Interior, which was procured through the resolution of the Senator from North Dakota [Mr. McCUMBER], is very illuminating in some of its statistics. It shows that the high price of gasoline is not due to a falling off in production, because the production of gasoline has enormously increased. It has increased from 6,000,000 barrels in 1899 to 6,900,000 barrels in 1904, to 12,000,000 barrels in 1909, to 34,900,000 barrels in 1914, and last year, in 1915, the number of barrels produced was 41,600,000.

Nor is the high price of gasoline due to a great increase in the export, although there has been some increase. The figures in the Secretary's letter show that, notwithstanding the increased exportation of gasoline, the surplus remaining in this country, which was 11,000,000 barrels in 1909 and 29,000,000 barrels in 1914, was over 35,000,000 barrels in 1915. So the increase in gasoline price is neither due to an increased export nor to a diminished production or supply in this country.

What are the figures which show conclusively what is the cause of this enormous increase in the price of gasoline? They are the figures of dividends in cash and in stock paid to stockholders in the Standard Oil group. For the last three months of last year those dividends amounted to \$21,000,000 in cash. Since the so-called Standard Oil "dissolution" five years ago these dividends have aggregated \$290,000,000 in cash and, in addition thereto, \$169,000,000 in paid-up stock at par—a total in cash and stock dividends during the last five years, since the so-called dissolution, of \$459,000,000 distributed to the stockholders of the Standard Oil Co.

These figures show what is the cause of the high price and great advance in gasoline. I think we should not be backward in stating in this resolution what every trade paper states and what is in the mouth of every person—that the high price of gasoline is due to the fact that a combination of the so-called Standard Oil group, mentioned in the official report submitted to the Senate, is controlling the price by a monopoly and deriving enormous dividends as a result.

Mr. President, I hope the Senate will adopt some preamble to the resolution directing the Attorney General to investigate. If there is objection to the preamble offered by the Senator from New Jersey, I suggest this as a substitute:

Whereas it is charged and by many believed that the high price of gasoline is due to the monopoly control of the Standard Oil combination and other interests: Therefore,

Resolved—

And so forth. Will the Senator accept that?

Mr. MARTINE of New Jersey. Oh, I suppose so. I accept the preamble.

The VICE PRESIDENT. The question then is on the amended preamble.

Mr. LODGE. Let us hear it read.

The VICE PRESIDENT. It will be read.

Mr. HITCHCOCK. It amends the preamble. It is a substitute for the last clause of the preamble. The Senator from New Jersey accepts it.

Mr. MARTINE of New Jersey. I will accept that.

The Secretary read as follows:

And whereas it is charged and by many believed that the high price of gasoline is due to the monopoly control of the Standard Oil combination and other interests.

Mr. LODGE. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] was called out of the Chamber for a moment. He said that he wished to be heard on this preamble. Therefore I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Asbust	Harding	Martine, N. J.	Smith, Mich.
Bankhead	Hardwick	Myers	Smoot
Beckham	Hitchcock	Nelson	Sterling
Brandegge	Hollis	Norris	Stone
Broussard	Hughes	Oliver	Sutherland
Burleigh	Husting	Overman	Taggart
Catron	James	Page	Thomas
Chamberlain	Johnson, S. Dak.	Poindexter	Thompson
Chilton	Jones	Pomerene	Tillman
Clark, Wyo.	Kenyon	Ransdell	Underwood
Clarke, Ark.	Kern	Saulsbury	Vardaman
Cummins	Lane	Shafroth	Wadsworth
Curtis	Lee, Md.	Sheppard	Warren
du Pont	Lewis	Sherman	Williams
Gallinger	Lodge	Shields	Works
Gronna	Martin, Va.	Smith, Ga.	

Mr. CHILTON. I wish to announce, and let the announcement stand for the day, that my colleague [Mr. Goff] is absent on account of illness.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. There is a quorum present. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The VICE PRESIDENT. The Senator from Alabama [Mr. UNDERWOOD] is recognized.

Mr. MARTINE of New Jersey. Inasmuch as the subject we have been discussing has been debated pretty thoroughly and we are right up to the eve of a vote, I ask the consent of the Senator from Oregon [Mr. CHAMBERLAIN] that we may have a

vote on the preamble of the resolution. If I thought it would excite any further discussion, I would not press it.

Mr. CHAMBERLAIN. I hope the Senate will not consent to that. The Senate has control of the matter, and we have now been an hour and a half on the proposition.

Mr. MARTINE of New Jersey. I ask for a vote, Mr. President.

Mr. CHAMBERLAIN. I object, Mr. President. I insist on the regular order.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products was read twice by its title and referred to the Committee on the Census.

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith was read twice by its title and referred to the Committee on Immigration.

NATIONAL DEFENSE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, I understand the Senator from Alabama [Mr. UNDERWOOD] desires to address the Senate, and before he proceeds I desire to suggest the order in which this matter shall be taken up, and that is that the amendment be taken up as a whole and voted upon or amended to perfect it, if the Senate desires to offer any amendment to it. I think it will expedite matters to pursue that course.

Mr. SMOOT. The Senate acted on that yesterday.

Mr. SMITH of Georgia. The Senate determined yesterday to take up the substitute and perfect it first, so that the substitute is before the Senate to be perfected by amendment.

Mr. CHAMBERLAIN. That course will be satisfactory to me, Mr. President.

The VICE PRESIDENT. The Chair is informed that upon yesterday the Senate, by motion, set aside the rule of the Senate and ordered that the amendment be first perfected before the original bill was perfected. That is in violation of the rule of the Senate, but everyone seems to be satisfied with it, and the Chair has no objection.

Mr. CHAMBERLAIN. If the Senator from Alabama will permit me just a moment further, I desire to say that the committee will have a few amendments which it will desire to offer at the proper time. I think probably it would be best to have the speeches made before those amendments are offered, and after the committee amendments have been disposed of then the bill will be open for general amendment.

Mr. UNDERWOOD. Mr. President, the question of the preparedness of a country to defend itself in case of war is the first governmental duty of a legislative body. I do not to-day intend to go into a discussion of all the items in the bill now pending before the Senate, but there is one question involved in determining whether our Government is prepared to meet in war a first-class foreign power that is more important, in my judgment, than any other. That is the question as to whether we can supply the raw material that is necessary to produce the powder to carry on a war.

In the Senate this morning a bill was presented seeking to enable a private corporation to develop water powers in this country for the purpose of making nitrogen to manufacture powder. There was also a bill presented that comes from the Committee on Agriculture and Forestry, looking to the development of water power for the purpose of making fertilizers.

Mr. President, I have an amendment pending to the present bill, which I send to the clerks' desk and ask that it may be read, so that the Senate may fully understand the proposition to which I am addressing my remarks.

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). The Secretary will read the amendment.

The SECRETARY. It is proposed, as a new paragraph, to insert the following:

That to provide for the fixation of atmospheric nitrogen, by improvement of navigation and development of water power, necessary for the manufacture of nitric acid in times of war and fertilizers in times of peace, the Board of Engineers for Rivers and Harbors, subject to the approval of the Secretary of War, is hereby authorized and directed, first, to hold hearings and conduct negotiations for the purpose of determining upon a suitable air nitrogen process and the terms under which it can be made available, and, second, to select a suitable site on a navigable stream in the United States for the construction of the necessary dam, locks, substructure, power house, and hydroelectric equipment. The board shall report its findings, with estimates of cost, to the Congress at the earliest practicable time, accompanied by recommendations as to what plans should be adopted for providing the Government an assured and adequate supply of nitric acid in times of war,

and, consistent with this purpose, for effectively and economically serving to the greatest extent practicable the agricultural interests of the country in the manufacture of fertilizers in times of peace.

Mr. UNDERWOOD. Mr. President, the fundamental premises upon which is based the proposition for the establishment of the air-nitrogen industry in this country through the action of the Government are clear and undeniable. They are axiomatic, and should carry the force of other self-evident truths.

The first is that a nation can not conduct a war of defense or offense without explosives; that explosives can not be made without nitric acid; that an adequate supply of nitric acid can not be secured except through the use of Chilean saltpeter or the fixation of atmospheric nitrogen; that the supply of Chilean saltpeter might be cut off from the United States at any time by an enemy navy. Therefore it is not only a patriotic duty but a national necessity of the very first order of importance for Congress to insure the establishment in the country of the air-nitrogen industry on a scale adequate to supply the Nation's requirements for nitric acid in times of war.

The second premise is that a people can not survive the fierce competitive struggle in times of peace without a plentiful and cheap food supply; that a cheap food supply is chiefly a question of securing more food per acre cultivated without an increase in labor; that this defines cheap agricultural fertilizers; that cheap agricultural fertilizers are chiefly a question of a plentiful and cheap nitrogen supply; that the one adequate, cheap, and assured source of nitrogen is the atmosphere. Therefore it is an economic necessity of the very first order of importance that the country should have a cheap and plentiful supply of air nitrogen in the form of a fertilizer.

To make assurance of the soundness of these premises doubly sure we have but to consider what has taken place in Europe. Germany at the outbreak of the war was expending for Chilean saltpeter, used chiefly as a fertilizer and for the manufacture of nitric acid, between \$40,000,000 and \$50,000,000 per year. She had available within the borders of the Empire 660,000 tons, valued at \$30,000,000, sufficient for a few months' requirements. When this was exhausted there remained no means of replenishing the supply by reason of her being cut off from Chile. Within 18 months Germany expanded the air-nitrogen production in the country by the investment of approximately \$100,000,000 and the employment of an additional 300,000 continuous horsepower. To-day she is independent of all outside sources of nitrogen, and will continue so throughout all time.

The allies have approximately 500,000 continuous horsepower engaged exclusively in the fixation of air nitrogen for explosives, and, furthermore, air-nitrogen nitric-acid plants are now being actively installed all over the allied countries of Europe, notwithstanding the sea is open to them for the transport of saltpeter from Chile. The shortage of sea bottoms makes Chile highly undesirable and expensive as a source of nitrogen supply even to the allies.

The United States is about the only country in the world which is without the air-nitrogen industry; Japan, Norway, Sweden, Germany, France, Austria, Italy, and Switzerland together conduct the industry on an enormous scale, employing 1,000,000 continuous horsepower, involving an investment of \$150,000,000, and an annual production which in normal times has a value of \$78,000,000. The greatest water-power center in the world, with which none other compares, is Niagara Falls, where at this time more power is being developed than ever in its history, namely, somewhat in excess of 450,000 continuous horsepower. This is equivalent to about one-half of what the countries outside of the United States are consuming every second of the year in the fixation of atmospheric nitrogen.

These facts should have our earnest consideration, for we are here dealing with the greatest single factor affecting a nation's economic prosperity in times of peace and its power of defense and offense in times of war.

It may be said that we can secure a suitable supply of nitrogen for war purposes from the investment of private capital. The amendment that I have sent to the clerk's desk seeks to give the Government of the United States the control of this situation at least so far as the Government supply of powder is concerned.

This morning one of the great powder companies of this country proposed to the Congress of the United States that it control the water power of this country, in order that it might furnish the nitrogen to defend the Nation against foreign attack.

Mr. President, it was only a few weeks ago that the Senate of the United States thought the question of such grave importance that it invaded the business of a private corporation by passing a bill to establish an armor-plate factory, believing that we

could not depend entirely on a private corporation to stand for the national defense in time of war. To-day it is proposed that in the inception of this question, in the very beginning of the development of this air-nitrogen industry in this country, we shall turn over the national defense, so far as making powder is concerned, and the natural resources of this country, in so far as water power is needed, to a private corporation and rely on its patriotism to furnish nitrogen to defend our country against a foreign attack in times of war.

Can we do it? I am not one of those who would tie up the natural resources of this country to an extent that they can not be used. I have never had any sympathy with those who believe in that conservation that means the obstruction of the development of our natural resources. I have never believed that we are conserving the natural resources of the United States for the benefit of the people of the United States by saying that we will let the water of the great falls of this country run downhill and be unused for fear that some one may get the advantage of it.

I do say that if the Congress of the United States is unwilling to exercise this power and allow the Government of the United States to develop these powers for the benefit of the people of the United States, then you had better allow a private corporation to develop them rather than to go on and let the power be wasted and the opportunity go by and leave your Nation without defense in time of war.

But I say that is unnecessary. The opportunity is here, and the Congress of the United States can legitimately allow the Government to act in this matter so far as it is a governmental function.

To create this power you must do so in the navigable streams of the United States. It is within the power of the Government of the United States to make those great streams navigable for commerce, and in making those streams navigable for commerce you can build the dams that are necessary for the development of hydroelectric power to make your nitrogen and make your powder, and retain it in the hands of the Government for the benefit of the people of the United States. But you can not let this question go by.

This is not the first time that a private corporation has attempted to develop an air-nitrogen plant in the United States and has met with the power of obstruction. Some years ago a company that is now making air nitrogen in Canada, a very large quantity of nitrogen, asked the Congress of the United States to allow them to build a dam on the Coosa River in Alabama. The bill provided that they should build the dam and the locks and the works without cost to the United States Government. Interest at 5 per cent on their investment would have made the water power cost for interest alone \$7.50 for each horsepower developed, and it is said the water powers in Norway are developed for the same purpose so cheaply as to make the total cost for power from \$3 to \$5 per horsepower. They proposed to make over 20 miles of the river navigable without cost to the Government. They had options on land to build a nitrate works. They were preparing to make fertilizers for the farmers of the South in times of peace, and to have a plant that the Government could have taken over in times of war to furnish nitrogen for the making of powder in national defense.

Yet, because there was no provision in the bill to require that company to pay a dollar a horsepower tax for the use of that water, and the indefinite right of the Secretary of War to raise the tax as he saw fit in the future, the President of the United States vetoed the bill, and to-day if a first-class power declared war against your country and stopped the shipment of Chilean nitrates you could not last a year in defense of your country, because you would not have the power to make the powder that is necessary to supply your troops.

Mr. TILLMAN. To what President does the Senator from Alabama refer?

Mr. UNDERWOOD. I refer to President Taft.

So I say, Mr. President, that, although I believe this is a Government function, the Government ought to develop this power, or so much of it as is needed, in the interest of the people; yet if you by your votes are unwilling to have the Government exercise this power, I would rather see a private corporation do it than to leave my country defenseless in time of war.

Mr. STONE. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. Certainly; I yield.

Mr. STONE. The Senator from Alabama said there was a powder company—the Du Pont Powder Co.—which this morning proposed that it would furnish all the nitrogen that was necessary to make explosives if the Government would turn over its water power to that company.

Mr. UNDERWOOD. Yes, sir.

Mr. STONE. Does the Senator from Alabama understand that the entire water power of the country should be turned over to that company?

Mr. UNDERWOOD. No.

Mr. STONE. The Senator just remarked that the American Falls—I assume he meant the American part of the Niagara Falls—would produce practically half of all of the power used now by the other nations of the world in the production of nitrogen. If that be true, what is the need of turning over Coosa River or other great water powers to a private company?

Mr. UNDERWOOD. I shall be glad to explain that to the Senator from my standpoint.

Niagara Falls is the greatest water power in the world, and, as I said, both the Canadian and the American Falls are producing to-day about one-half as much power as that which is being used for air-nitrogen purposes in Europe; but the Senator must bear in mind that the Congress of the United States has limited the development of the use of water power at Niagara, and that the development has about come up to that limitation. Therefore, without destroying those falls, you can not make a greater development at Niagara.

Mr. SMITH of Georgia. That development is also limited by the treaty with Great Britain.

Mr. UNDERWOOD. It is also limited by treaty with Great Britain.

Second, the power at Niagara is being used for purposes that can not be dispensed with. I do not mean to say that in times of war we could not dispense with anything; but looking at it from the standpoint of times of peace, great factories have been built there, and they are using that power; cities are being lighted by it, and street-car systems are being run by it. You can not justly take away the power of Niagara for the purpose of supplying the Government with an air-nitrogen plant. There are a great many places where hydroelectric power can be developed, but there are not many places that will fill the bill that presents itself to the Congress of the United States to-day.

The German Government, for the purposes of this war, I am informed—and reliably informed—is making 270,000 tons per annum of nitric acid, and our needs would be 180,000 tons.

Mr. TILLMAN. On what river is that power for the manufacture of this powder produced?

Mr. UNDERWOOD. There is only about 20,000 of that horsepower which is used in this manufacture which is being produced by water power.

When the war broke out Germany found that the use of explosives was so great that, although she had the largest store of Chilean nitrates of any Government in the world, they were wiped up in a few months. She had then to resort to the expensive alternative of using steam to create the power to make electricity, and at a very high cost, because she had not developed her water powers and did not have the water powers to develop. But, coming back to the Senator's question, Germany, as I said, is producing at the rate of 270,000 tons of nitric acid per annum for her military needs. I take it, it would at least be conservative to say that if we became involved in war with a first-class power we would need at least two-thirds of the supply of powder that Germany alone is using to-day.

Mr. WORKS. Mr. President—

Mr. UNDERWOOD. Let me finish this sentence. Two-thirds of the nitric acid Germany is using to-day would require 100,000 horsepower to create by the cyanamide process. Now I yield to the Senator from California.

Mr. WORKS. Mr. President, I agree with the views of the Senator from Alabama that the Government should itself manufacture anything, I may say, that is necessary for its own defense. It was upon that theory—and because I believe in that principle—that I voted for the armor-plant bill; but the Senator from Alabama couples with that proposition, as I understand his amendment, the proposition that the Government shall go into private trade and supply nitrogen to the farmers.

Mr. UNDERWOOD. I will come to that in a moment. I will say to the Senator that I do not want to take up that question now, because I am on another branch of the subject.

Mr. WORKS. I only wished to ask the Senator if he was going to consider the question of the constitutional right of the Government to enter into that sort of trade. I am not disagreeing with the principle that the Senator has indicated.

Mr. UNDERWOOD. I think I can satisfy the Senator from California when I come to it, but I will ask him to excuse me from answering the question now, because I want to answer this other question.

The Senator from Missouri [Mr. STONE] has asked me whether it was necessary for the Government to take all of the water power. No; but the Government, if it is going to manufacture air nitrogen economically, ought to manufacture it at one plant, at one place. Of course, the Government could assemble a

large number of small powers and accomplish the results; but if it wants to do it economically it ought to have but one nitrogen plant and all the accessory works. Therefore, the Government should look for a place where it can develop something like 100,000 or 125,000 horsepower.

To develop 180,000 tons of nitric acid by the lime-nitrogen process or the cyanamide process would take 100,000 horsepower; but, to be on the safe side, you should estimate something like 120,000 or 130,000 horsepower to produce 180,000 tons of nitric acid. If you take the arc process, the process that is owned by the Du Pont Powder Co. so far as the rights in America are concerned, you would need a great deal more power, because it takes a half horsepower to the ton of nitric acid made by the cyanamide process, where it takes three horsepower to a ton of nitric acid made by the arc process; in other words, the arc process requires six times as much power to develop the same amount of nitrogen.

Well, what is the economy of the situation? First, in further answering the question of the Senator from Missouri, I will say that, if we must have for this purpose the development of water powers in this country, where at least 100,000 horsepower can be developed at one plant, and where that plant is accessible to railroads and to the transportation of its products, there are comparatively few places in the United States where you can locate a plant of that kind. If the Government is not willing to go in itself and investigate the question, as I am asking it to do, and determine where these locations are, and what are the best locations for a Government plant, and let it go by for private capital to develop, then private capital naturally will take these places of great power possibilities, and when the Government wakes up they will be found in the hands of private capital. What I am asking the Senate of the United States to do to-day is to take advantage of this opportunity and to authorize a responsible board to investigate and report the question back to us.

But look at the economy of it. Suppose you make up your mind that you are not going to develop air nitrogen for this purpose; that you are not going to follow the lead of the great powers of Europe and develop this industry, but that you are still going to rely on Chilean saltpeter. I am informed that the amount of Chilean saltpeter that we have in this country at the present time to defend our country against a foreign attack is not one-twentieth of the supply that the German Government had available when this great debacle in Europe took place—not 5 per cent have you in your storehouses to-day to defend your country against a foreign attack. The picket is asleep at his post, and the Congress of the United States occupies the picket line.

It is economy to make this development. I take it that the Government of the United States is not going to continue to carry in this country only one-twentieth of the Chilean nitrate supply which Germany carried at the outbreak of the present war. I will assume that Congress would be willing to buy and store up as much Chilean nitrate as Germany had when the war came on, which supply only lasted her a few months, and cost her \$30,000,000. The interest on \$30,000,000 at 3 per cent amounts to \$900,000; but you have to take the fire risk, whether you have insurance or not, and Chilean saltpeter is a very inflammable material and there is a great deal of risk in connection with it. You have to pay for its storage, and, more than that, it depreciates in value and you have the loss of depreciation. So I take it that the cost to the Government would not be 3 per cent of what you borrow your money for, but to the 3 per cent would be added the fire risk, the storage, and the depreciation, which, altogether, would amount at least to 5 per cent per annum. Five per cent per annum on \$30,000,000 is \$1,500,000. But there is no fire risk in developing a water power, no cost for storage, and \$1,500,000 is the interest, at 3 per cent, on \$50,000,000.

I do not ask you to take my word as to what \$50,000,000 will do in the development of such power. I am asking the Senate of the United States to adopt an amendment which will authorize the executive branch of this Government to investigate this question, and find out what an expenditure of that amount will do; but I will say to you that I have investigated it; and \$50,000,000 will harness up a water power in this country which will produce 125,000 or 130,000 horsepower every second in the day and every day in the year—130,000 primary power. I do not say that on my own authority; I say it from the reports of the engineers of the War Department. That power can be developed for \$14,500,000, and with much less than the balance of the \$50,000,000 you can build air nitrogen plants, conversion plants, and every other kind of plant which is necessary to create a supply of 180,000 tons of nitric acid a year for the Government of the United States.

A moment ago the Senator from California [Mr. WORKS] addressed to me a pertinent question. He asked me if I wanted to put the Government of the United States into the business of making fertilizers for farmers. Next to defending the country against a foreign enemy in time of war, I believe the most important thing is the developing and building up of the great agricultural interests of our country. It would not be necessary to enter that field unless the Government wanted to do so; but if the Government develops this power and holds it in its hands, there may be many years pass when it will not need the power for the purpose of making nitric acid. In times of peace if we have our plant built, our capacity to make nitrogen established, and a reasonable supply on hand for the moment, we do not want our power to lie idle and stop the wheels of the machinery; we do not want the plant which is making nitrogen to be unused; we do not want to go on making 180,000 tons of nitric acid a year in times of peace. What we want is the power to produce that commodity in time of war, and with that power and with that capacity why should we not either sell the nitrogen to those who are engaged in the fertilizer business to make fertilizers, or sell the power to those who want to use it, in order that they may make fertilizers out of it for the benefit of the great farming interests of this country?

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. UNDERWOOD. I yield.

Mr. WORKS. The Senator was mistaken in saying that I inquired of him whether or not he wanted to do these things. I think a great many of us would like to see something of that kind done. The question in my mind was whether the Government had any power to enter into a business of that kind, and not whether or not we should desire to have it done. I asked that question partly because there are other bills pending here, one of them which has been very recently considered in one of the committees, proposing to assist, for example, irrigation districts of the country organized within the States, and therefore I have had some reason to inquire into that subject and to consider not only the question as to the power of the Government in dealing with a matter of that kind, but as to the policy of doing it. It is for that reason that I should be glad to hear from the Senator on that branch of the subject.

Mr. UNDERWOOD. I think the Senator stated a moment ago that he agreed with the policy if we had the power. Now, as to the power. We may not have, and probably do not have, the power to develop a great water power for the purpose of making and furnishing the farmers of the United States fertilizer in time of peace, but we have the power to make a stream navigable; and that is what we do if we develop any navigable stream. We have the right to take the power developed on that navigable stream and to use it for a war purpose. That war power would embrace the right to make nitric acid and nitrogen, if nitrogen is necessary for the country's defense; and, if it is necessary for the country's defense, we have the right to pursue it further and carry the nitrogen into powder.

The other day the Senator from California and I voted together to build an armor-plate factory under the war power. We do not disagree on that. When you have taken such action under a war power and the war power exists, is it necessary to let your plant rot down in times of peace? Is it necessary to let the water run to waste because you do not have to make powder that day and hour? Can you not rent that power or rent that plant, which you are holding back with the strong arm of the Government for a war power in the time of emergency, to citizens of the United States for peace purposes, without violating the Constitution of the United States?

Take an example in this city. Some years ago down toward the Treasury Department Congress bought three blocks of land for the purpose of erecting Government buildings. That was a governmental power, but it has not erected the governmental buildings, and every day that I go down Pennsylvania Avenue I see those houses rented and the Government collecting the rents.

Mr. TILLMAN. And the Government is renting other buildings all over the city to house its departments.

Mr. UNDERWOOD. Certainly. I take it that nobody would contend that the Government of the United States has the right to go into the rental business; but having purchased the property for some other purpose, for a governmental purpose, it does not have to let the property lie idle and not be rented up to the time when it is ready to use it for the purposes for which it was purchased.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. UNDERWOOD. I yield.

Mr. POMERENE. Will the Senator permit me to observe that the War Department now leases water power on navigable streams to private concerns, and that within two weeks Congress has passed an act to cancel one of those leases because its terms seemed to be inequitable to the lessee?

Mr. UNDERWOOD. Certainly. So that I do not think there is any doubt about the power—

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. UNDERWOOD. In just a moment. I do not think there is any doubt about the power of the Government to develop these plants for war purposes; nor do I doubt the power in times of peace, when it is not necessary to use the plants for war purposes, to use them for the development of agriculture.

Mr. CLAPP. Yes; and could not the Government just as legally operate them in times of peace, rather than let them lie idle?

Mr. UNDERWOOD. I think so; yes.

Mr. CLAPP. I wanted the Senator's expression on that.

Mr. UNDERWOOD. Yes; I think so.

Mr. WILLIAMS. Mr. President, if the Senator from Alabama will pardon me, in times of peace part of the power would be used for Government purposes—

Mr. UNDERWOOD. Certainly.

Mr. WILLIAMS. And it would be only the residue of it that would be used for something else?

Mr. UNDERWOOD. Certainly.

Mr. SMITH of Georgia. If the Senator will pardon me just there, I believe the estimate is that the nitrogen which we would require, with reasonable practice activity on the part of our Army and Navy, would cost \$500,000 each year.

Mr. UNDERWOOD. I think that may be correct.

Mr. President, it may be asked why I inject this amendment into this bill. I did not intend to take a hand in this matter in the beginning; but I believe that the most important item that can go into a preparedness bill is the question of the supply of powder. You will not have a bill protecting your country against foreign attack until you have assured its powder supply.

This suggestion did not originate with me; it originated with the Government of the United States; in fact, I do not think you should ask the question why this amendment should go on the pending bill; but the real question which confronts the Senate of the United States is to ask the Committee on Military Affairs why it reported this great bill, increasing the Army of the United States 100,000 men and increasing its cost \$150,000,000 a year without incorporating in the bill a provision for an adequate supply of powder in time of necessity. That is the question which confronts the Senate.

Mr. President, former Secretary of War Garrison, a patriotic and farseeing and able man, presented this question to the Congress of the United States for its consideration, and his presentation has been ignored.

In the 1915 annual report to Congress of former Secretary of War Garrison he says, in part:

Military effectiveness requires ample quantities of the element (nitrogen), and the proper protection of national security behooves us to make provision for an adequate supply in time of war. Our only present source of supply is now the natural nitrate beds of Chile, which in time of war might be shut off from us. Obviously in the matter of munitions, especially where the source is so limited and localized, we should neglect no provision so easily available as to make the country self-sustaining. Plants producing nitrogen for industrial purposes in time of peace would be a great national asset in view of their availability to supply us with the necessary nitrogen in time of war.

That is what the Secretary of War of your country recommended to the Congress of the United States when he recommended that you increase the size of your present Army. But it did not rest there. Brig. Gen. William Crozier, Chief of Ordnance of the United States War Department, said, in his annual report for 1915, when you met here last December, this:

In a country of even the very great natural resources of the United States there are nevertheless some articles essential in time of war for which it is dependent on a foreign source of supply. If these sources are so placed as to necessitate ocean transportation the possibility of being cut off from them is great enough to call for provision against it. I do not know of any article of this class which at the present time should cause more concern with reference to the war-time supply than nitric acid.

Not guns, not men, not airships, but nitric acid, says the Chief of Ordnance of the United States Army.

Then, after setting forth in some detail the impossibility of storing materials from which nitric acid is at the present time evolved, or providing for an assured supply in any such manner, Gen. Crozier goes on to say:

These facts point to the necessity for an inquiry into the possibility of the establishment within the limits of the country of a source of supply of this war essential. Fortunately the possibility exists. There are in successful operation in Europe in several countries plants for

the fixation of atmospheric nitrogen and the rendering of it available for use in the manufacture of nitric acid.

That is what I am asking you to do in this amendment. I am not asking you to go blindfolded and commit yourself to some unknown proposition. I am asking you to do what the Chief of Ordnance of the United States Army has asked you to do and recommended you to do; and I say the question is not as to whether this matter should be considered in this bill. The question before the United States Senate is why the Military Affairs Committee of the Senate has not reported a proposition of this kind to the Senate for consideration.

Mr. HUSTING. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. UNDERWOOD. I do.

Mr. HUSTING. I am very much interested in what the Senator is saying regarding the necessity of conserving our power supplies. I should like to ask the Senator whether he would not favor reserving in all water-power franchises the right to take possession of water powers developed under a lease from the United States in time of war, and during the continuance of the war to use them for the manufacture of nitrates, and then restore them to their owner and pay him a fair price, but aside from war profits, as proposed in an amendment to the so-called Shields bill, which I offered while the water-power bill was under discussion?

Mr. UNDERWOOD. I will say to the Senator that if war was on and the necessities of war required it, of course I would be willing to take anything; but that would involve great expense to the United States Government to take from private persons their private property and devote it to war uses when you have the power here to develop the necessary power that the Government needs, and let private capital develop power for its own purposes in other respects.

Mr. HUSTING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama further yield to the Senator from Wisconsin?

Mr. UNDERWOOD. Certainly.

Mr. HUSTING. I understand that under the plan of the Senator he would have the plant operated by private hands for the purpose of manufacturing fertilizers in times of peace, and that only in times of war would the Government resume possession of it.

Mr. UNDERWOOD. No.

Mr. HUSTING. I just want to ask the Senator whether that would not carry with it the idea that in times of peace it would be used for the purpose of manufacturing fertilizers, and only in time of war would it be used for the manufacture of nitrates and powder?

Mr. UNDERWOOD. I did not say that I had a plan, so far as my amendment is concerned. The amendment simply seeks to have the United States Government, through its constituted authorities, investigate the question. I said this plant could be privately used when built and the United States Government could get back its interest, so that there would not be any cost to the Government, by either leasing it or using it for the purpose of making fertilizers. But it is not necessary to tie up all the water powers of the United States in order to get a few great powers that are necessary for this purpose.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I do.

Mr. TILLMAN. I have a suggestion to make to the Senator. I do it with great diffidence, because he is a lawyer and I am not; but I have some recollection of a general-welfare clause in the Constitution, something like this:

Congress shall have power . . . to provide for the common defense and general welfare of the United States.

And the Senator's amendment will do both.

Mr. UNDERWOOD. Well, undoubtedly the national defense will justify it.

Mr. TILLMAN. I know it; and the other provision is right there—the general-welfare clause. God knows the production of food is for the general welfare, if I ever had any common sense.

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. UNDERWOOD. I do.

Mr. WEEKS. I was going to ask the Senator from Alabama if his attention had been called to the fact that private capital was supposed to be waiting to go into developments of this kind, provided the water-power bill passes?

Mr. UNDERWOOD. Well, the private capital announced itself at the desk this morning, and I am coming to the private capital in a minute.

Mr. WEEKS. I was not aware that it had done so, but I have understood that private capital was prepared to go into the Columbia River development and other developments. Furthermore, I desire to call the attention of the Senator to the fact that a bill was reported to-day which has in view something of the contentions which he is making, introduced, I think, by the Senator from South Carolina [Mr. SMITH].

Mr. UNDERWOOD. I have no fight to make on the bill of the Senator from South Carolina, but that seeks to have these water powers developed by the Government for agricultural purposes solely.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I do.

Mr. SMITH of South Carolina. The Senator from Alabama, of course, would not like to make an incorrect statement.

Mr. UNDERWOOD. Oh, no.

Mr. SMITH of South Carolina. The object of the bill was identically the object that the Senator seeks to accomplish in this amendment, but with a provision giving the Secretary of Agriculture the power to dispose of any surplus that there might be, as indicated by him, during times of peace. As we have got to make a certain amount during times of peace for the use of the Army, it is provided that the surplus may be used for fertilizer purposes.

Mr. UNDERWOOD. I did not fully understand the Senator's bill. I heard it read this morning.

Mr. SMITH of South Carolina. That was the full purport of the bill.

Mr. UNDERWOOD. I have no objection to that. The only proposition I am standing here for is this: Here is your preparedness bill. Here is your national-defense bill. Your Secretary of War has warned you that it is necessary to supply nitrogen to defend your country in time of war, and the Chief of Ordnance of the United States Army has asked you to investigate the question. I say no preparedness bill has a right to go through this body without some provision of this kind being attached to it.

I am not wedded to the language of my amendment. If it could have been done otherwise, I would have offered no amendment myself. I think the amendment I have offered is a safe and sound one. If any other Senator has a better proposition to offer, I am willing to accept it; but I say it should be tied to this bill.

Here are some other authorities indicating why it should be tied to this bill:

Dr. L. H. Baekeland, one of the leading scientists and chemical engineers of the United States, a member of the Naval Consulting Board, is quoted in the New York Press of December 23, 1915, as follows:

The lack of nitric acid, the indispensable chemical in the manufacture of smokeless powder and high explosives, would cause the United States to be defeated in less than a year after war started with a first-class power, unless our Navy were more powerful than that of the enemy.

This Dr. Baekeland is one of the great chemists of this country. He is a member of the Naval Consulting Board of the United States, and he tells you that you could not stand out against an enemy a year because you have not got the nitrates with which to do it.

Mr. Howard E. Coffin, chairman of the committee on production, manufacturing, and standardization of the Naval Research Board, said, at a meeting of this board December 23, 1915, in speaking of preparedness:

One of the big things is our utter lack of nitrates.

Dr. Charles F. McKenna, former president of the American Institute of Chemical Engineers, in an article in the New York Times of January 23, entitled "Air furnishing raw materials for gunpowder," says, speaking of cyanamide:

Ammonia can be obtained from this compound by a very simple and cheap process. . . . Nitric acid can be made from ammonia, thus furnishing us with the opportunity to make nitrates as demanded from their ammonia, sodium, potash, lime, barium, or other base. It is very probable that all of these necessary reactions do not cost as much to bring about as does the arc reaction in the Baekeland-Eyde and Pauling furnaces, because enormous power is there demanded and small yields obtained per unit of produce.

Prof. Joseph W. Richards, dean of the chemical faculty of Lehigh University and secretary of the American Electro-Chemical Society, in a paper entitled "Nitric acid from the air as a factor in preparedness for war," delivered at Lehigh University January 27, 1916, said:

Germany has had to supply her own munition and nitric acid, to accomplish which the Teutons have created a large industry which manufactures nitric acid from the air. Over half a million horsepower is used in producing it. The United States at this time has not a single nitric-acid plant in operation.

Dr. Thomas H. Norton, Ph. D., Bureau of Foreign and Domestic Commerce, Washington, D. C., another man connected with your Government, writing in the *Scientific American* of March 4, 1916, under the title of "The American conquest of the air," says, in part:

The heaviest tribute is paid to foreign countries for our supply of combined nitrogen. Imperatively necessary for a multitude of industries, and above all for maintaining the fertility of our farms. The tribute has amounted annually to over \$29,000,000. Every cent of this sum should have remained within our own borders. \* \* \* In this ultimate analysis a war is reduced to the simple term of nitric acid. The nation engaged in struggle for life and death becomes helpless the day this stock of nitric acid is exhausted, no matter what its population may number, no matter what their bravery, skill, and resoluteness. \* \* \* And now, in 1916, this country is without a single factory of industrial rank occupied with the fixation of atmospheric nitrogen. We still pay a heavy tribute to foreign producers of nitrogen in combined form. We are still exposed to the dangers of widespread disaster for a multitude of interests should communication with Chile be severed.

Robert G. Skerrett, writing in the *Iron Age* of February 10, 1916, on "The fixation of atmospheric nitrogen," says:

It is the cyanamide process that Germany has turned to. \* \* \* Cyanamide can be manufactured anywhere within our boundaries where there is water power that can be developed cheaply and which can be reached by rail. \* \* \* However, the Government must come to the rescue of the industry, no matter what the process, and at least make it possible for manufacturers to have available an abundance of cheap water power.

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. Certainly.

Mr. OVERMAN. When was that article written?

Mr. UNDERWOOD. This article was published in the *Scientific American* on the 4th day of March, 1916—this very month.

Mr. OVERMAN. There is one plant in South Carolina which is doing very well. It is nearly on the North Carolina border. It is a small plant.

Mr. UNDERWOOD. I do not think that is making air nitrogen. It is now experimenting with phosphate, and not nitrogen.

Mr. SMITH of South Carolina. I should like to say to the Senator from Alabama that there is a plant at a place that has assumed the name, in part, of the product—Nitrolee, S. C.—and I saw in one of the scientific journals the statement that they are producing atmospheric nitrogen; but I have not been able yet, although I have made some efforts, to find out just what is their capacity or what system they use in the production.

Mr. OVERMAN. They use the arc system, as I understand.

Mr. UNDERWOOD. As I understand the proposition, I think I know the plant the Senator speaks of, and I think it is a small experimental plant that has been erected by Mr. Duke, or those interested with him. Is not that the plant?

Mr. SMITH of South Carolina. That is correct.

Mr. UNDERWOOD. And the total expenditure there is about \$150,000 up to this time. It is a mere experimental plant, and it is not experimenting with nitrogen. It is phosphate with which the experiments are being made.

Mr. OVERMAN. I telegraphed them when the Senator from Tennessee [Mr. SHIELDS] made the same statement, and I received a reply to the effect that there was a plant there, and that they were doing a fine business, and yet it was a comparatively small plant.

Mr. UNDERWOOD. It is only an experimental business, which failed. So that what this gentleman says about there being no air-nitrogen plants in this country is an absolute fact, although under the present high price for nitric acid, two and a half times the normal, this experimental plant may have resumed and be producing 2 or 3 tons per day.

Mr. F. J. Tone, works manager of the Carborundum Co., and a recognized authority in electrochemistry, speaking at a meeting of the Niagara Falls section of the American Electro-Chemical Society on February 22 last, said:

To-day nitrogen products are unquestionably the most important products in the field of chemistry. Without them modern warfare as we know it would be impossible, because they are an essential element in every explosive. \* \* \* They are necessary in the life of an agricultural nation at all times, and, as a matter of common foresight, the production of artificial nitrates should to-day be made an established industry in America. \* \* \* This at once calls for cheap electric power in the center of good transportation facilities, and in brief terms it means that we must have Niagara power in large amounts and at low costs.

Mr. President, as I said in the beginning, I think the question is not why this amendment should be placed in this bill, but why it has not been placed in this bill. The House Committee on Military Affairs reported a bill to that branch of Congress which contains this provision:

Sec. 82. That to provide for the fixation of atmospheric nitrogen by the development of water power, or any other means, necessary to establish an adequate supply of nitrogen, the appropriation of such sum or sums of money to construct the necessary plant for such purpose is hereby authorized.

In other words, they did not provide for a plant; they did not provide for a supply; but they put in the preparedness bill a provision authorizing the Congress to act, so that they could have laws inserted in the great appropriation bills in the future for the building of a plant of this kind, and create a supply of nitrogen.

I say, Mr. President, without the expectation of contradiction, that that provision in the House bill to guard this country against the danger of a foreign enemy in time of war was defeated by the Powder Trust, the Republican Party, and certain gentlemen who called themselves conservationists.

Look at the record in the House of Representatives. Every member of the Republican Party who voted on the question, except so many as I could count on the fingers of one hand, voted to strike that provision out of the House bill. On the Democratic side of the House there were in the neighborhood of 20 men who voted with the Republican Party to strike it out. Practically every man who voted to strike it out calls himself a conservationist.

This was not any question of preventing a private corporation from exploiting the people of the United States. This was a question of the Government of the United States having the power, in its own appropriation bills, to protect itself against a common enemy. It required no limitation on legislation, because under the proposal in the House bill the Government was to do the work itself.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. UNDERWOOD. I yield.

Mr. WARREN. I have no desire to enter at present into the political part of the remarks of the Senator regarding the House. I had understood—of course, the Senator may be better advised than I am—that it was the indefiniteness of the House proposal that ruled against it, rather than any other factor. Of course, that section meant little, as the Senator knows, in the way of carrying out what he now wishes to be done, and which he is so ably presenting. It was entirely loose, and meant nothing except the desire of those who voted for it that something should be done.

Mr. UNDERWOOD. Undoubtedly. It was the desire of those in charge of the bill that something should be done, and they went as far as they thought they could go. I am sure the objection that was raised would not appeal to the Senator from Wyoming, because I know he realizes the importance of this great question to the Nation; but the Senator is wrong in his conclusion about this matter, because if it were a question of the section being so indefinite as not to fairly cover the subject it was open to amendment, and the men who struck it out did not try to amend the phraseology or the language of the bill.

Now, I have said—and I am not trying to make this a political issue, but I am trying to state the facts as I understand them—

Mr. WARREN. Will the Senator yield further?

Mr. UNDERWOOD. Yes.

Mr. WARREN. The Senator has given this matter so much attention that I presume he is of the opinion that it is pretty well understood by Senators and Members. I want to assure the Senator that the subject is a very new one to most people. I doubt if there are 50 Members in the other body or a quarter of the Members in this body who have given it any such study as the Senator has, or who know anything about it except that there is a way of obtaining this nitric acid through the construction of such a plant as the Senator names.

Mr. UNDERWOOD. I agree with the Senator thoroughly in his statement. Now, I am not charging any ulterior motive to his colleagues in the Republican Party at the other end of this Capitol when they voted against that section. I think most of them voted against this provision because they did not understand it. If I can do so, I am going to try to see that the Republicans, as well as the Democrats on this side of the Chamber, hear something about this question.

Mr. WARREN. The Senator is placing it before the Senate in a manner that I think we all appreciate, and he undoubtedly will have attention.

Mr. UNDERWOOD. Mr. President, I happen to know something about this question, because I was one of those who some years ago tried to pass what was known as the Coosa Dam bill, and did pass it up to President Taft's veto. I want to say of President Taft that I do not think he understood the importance of the question when he vetoed the bill or he would not have done so. But I realized then the importance of nitrates to the American people and the Government of the United States, and I have studied the question since, and I am not willing for it to go by at this time without giving it the consideration that I think it deserves.

I stated that it was not only the Republican Party in the House and the conservationists who voted against this measure, but it met with the opposition of the Powder Trust.

Mr. STONE. It has been suggested while the Senator has been talking that the opposition in the House was predicated upon some contention that this proposal had relation to the Coosa Dam. I can not understand why it has any such relation. The Senator has just referred to that, and I want to know if it has any connection with any particular enterprise.

Mr. UNDERWOOD. None whatever. It has no connection with the Coosa Dam proposition. You could not build a dam on the Coosa River that would be big enough to supply the Government of the United States with the power it needs to make nitrates needed in time of war. That dam ought to be built, but it could not be built for this purpose. It could be built to make a small amount of nitrogen to supply people who were manufacturing fertilizers, but it could not be used for this governmental purpose.

There has been an effort to defeat the Government going into this business because the private corporations want to take charge of supplying the Government of the United States with its powder and its nitrates, and hold that control. Many statements have been made which were not borne out by the facts.

Mr. OVERMAN. I wish to ask the Senator one question. I know he has investigated this matter thoroughly. What is the difference between the cost per pound of nitrate manufactured under his plan and the cost of saltpeter and nitrates brought from Chile?

Mr. UNDERWOOD. As I understand, and as I am informed—I am not a chemist, but I have studied the question and I have my information from some good chemists—it depends on the process. If you take the arc process, it may make the cost more to make nitric acid from the air in this country than from Chilean saltpeter. In Norway they have cheaper power than in this country, and there the arc process has been successful in a limited way. If you take the lime-nitrogen or cyanamide process, it requires approximately one-sixth of the power of the arc process and you can make it at about one-half of what you can make nitric acid with Chilean saltpeter.

Mr. OVERMAN. I understand, then, it would be much cheaper.

Mr. UNDERWOOD. It would be cheaper.

Mr. OVERMAN. There is another question I wish to ask. I understand that it is controlled by patents, and the Government would have to secure patents to manufacture it. Where are those patents controlled?

Mr. UNDERWOOD. There is the Du Pont Co., which seeks to get your permission to harness up some of your streams for its use by the bill introduced this morning. This company owns the American rights to the arc process.

Mr. TILLMAN. Who owns the cyanamide?

Mr. UNDERWOOD. The American Cyanamid Co. owns the right, and they have associated companies in Europe.

My amendment to this bill seeks to take care of this question. It does not commit the Government to any process or any policy, but it authorizes the Board of Government Engineers to see what contracts may be made with these people for manufacturing or for the use of their patent rights or their processes, and the engineers will report it back to you to determine whether or not it will do it.

Mr. TILLMAN. When will that board report?

Mr. UNDERWOOD. The amendment says it shall report at as early a date as practicable.

Mr. SMITH of Georgia. Not until after we add your amendment to the bill. That is the first step.

Mr. UNDERWOOD. It is the first step necessary. But I am getting far afield. I do not like to make a charge here against a great corporation, and in whatever I am saying I do not wish to be understood as reflecting upon the Du Pont Powder Co. It conducts a legitimate business. It is a great corporation. It naturally wants to control its line of industry, and it does not want the Government or anybody else to get into business with it. It had the right to oppose this bill if it wanted to. It has a right to have its agents around the Senate opposing my amendment if it wants to. But I say that the Senate of the United States, looking to the interest of the people of the United States, have not a right to let the Du Pont Powder Co. defeat my amendment, even if it does oppose the interests of that company. I am asking for only an investigation by a board of Army engineers coming from a corps in the Army that has handled millions on millions of Government money and holds the proud record that in the life of the corps there has been but one man who could be bought or who went wrong. Why should we not have the light? I am asking for only the light.

I send to the clerks' desk a clipping I cut out of this morning's Washington Post in reference to the powder company and I ask the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

OFFER A NITRATE PLANT—DU PONT WILL SPEND \$20,000,000 IF CONGRESS CHANGES LAWS—COUNSEL LAY PROJECT BEFORE SECRETARY BAKER—WANT THE WATER-POWER STATUTES ALTERED.

Counsel for the E. I. du Pont de Nemours & Co. informed Secretary Baker at the War Department yesterday that the company stood ready to build a great hydroelectric plant for taking nitric acid from the air and to make its products available to the Government for the manufacture of explosives, at prices fixed by the Secretary of War, if Congress would change existing water-power laws so as to make such a project practicable.

Mr. Baker was given a letter from Pierre S. du Pont, president of the company, attaching a proposed bill to provide for 50-year leases on water-power sites in navigable streams.

It was explained that the company contemplated constructing a plant costing \$20,000,000 or more and capable of furnishing all the nitrates now imported from Chile. Secretary Baker last night declined to say what would be his attitude toward the project.

Mr. UNDERWOOD. Mr. President, that is reported in the paper this morning. It is followed up by the introduction of a bill here in which the Du Pont Powder Co. at the opening of this discussion, the day this amendment is to be debated, come here and ask you to give them the pick of water powers in this country to develop nitrogen for their business. I am willing for them to have water powers, but I am not willing for them to have the pick of the water powers. I am willing for them to have the water powers on the same terms that you let other people have water powers. You passed a water-power bill at the present session with limitations or terms on which private corporations and individuals can use these powers far more drastic than anything in the bill which was read at the clerks' desk this morning. Why should not the Du Pont Powder Co. stand on all fours for its rights to water powers with the other corporations and the people of the United States?

That is not all. I send to the clerks' desk and ask to have read an interview with Mr. Hudson Maxim on this subject.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

UNITED STATES MUNITION PLANT SCHEME CALLED "PORK"—HUDSON MAXIM SAYS VENTURE WOULD RUIN HONEST INDUSTRY FOR POLITICAL PROFIT.

WASHINGTON, February 29.

From within the circle of President Wilson's Naval Advisory Board to-day came strong condemnation of the plan for Government manufacture of war munitions, expressed by Hudson Maxim in a pamphlet entitled "The colossal folly of the proposition for the Government to make all war munitions," published by the American Defense Society. Mr. Maxim also is a member of the board. Incidentally, a bill for Government manufacture of armor plate has been favorably reported by the Senate Committee on Naval Affairs.

In his latest contribution to the campaign for "preparedness," Mr. Maxim takes direct issue with those who urge erection of Government plants for the manufacture of war materials, and says this is only another scheme to provide "pork" for the "pork-barrel politicians."

"There is a nation-wide movement to have all war munitions manufactured by the Government," writes Mr. Maxim. "The movement originated with the pacifists, it being their object, as they claim, to take the profit out of the war."

"It is their belief that no man possibly can be honest or patriotic or possess any humanity or conscience unless he can possess these laudable qualities without loss of profit."

"What does it mean to the politicians to nationalize the manufacture of munitions of war? It means a great fruitage of political plums for their use and behoof. It will be the politicians who will have the sole say as to where the great Government works are to be located, and they are sure to be located not with respect to advantages of manufacture and safety in time of war, but where they will be the most advantageous as pawns for political profit, the same as has proven true with all Government works."

"In short, the manufacture of munitions of war will be taken from the hands of honest industry and placed in the hands of dishonest politicians."

Mr. THOMAS. Mr. President, in connection with the newspaper clipping which has just been read, it may be appropriate, with the Senator's permission, to read a special dispatch to the World sent from St. Louis three or four months ago:

PREPAREDNESS MEN PREPARE TO RESIGN—ADVERTISEMENTS OF \$10,000,000 MUNITIONS CORPORATION SHOCKS ST. LOUIS.

ST. LOUIS.

Many members have resigned and others are threatening to resign from the committee of one hundred appointed by Mayor Kiel to urge the preparedness program upon Congress. This action resulted from advertisements in St. Louis newspapers this morning of a \$10,000,000 Maxim munitions corporation offering stock for sale at \$10 a share. Hudson Maxim appeared two days ago before the Business Men's League to urge support of the national defense program.

"That's a pretty swift beginning," said former Solicitor General of the United States Frederick W. Lehmann, in announcing his refusal to serve on the committee.

"One can not help suspecting an ulterior motive," said Judge H. S. Caulfield, in declining to be a committeeman.

"If the activities of the National Security League, at the instance of which the committee was appointed, the appearance of Mr. Maxim, and the promulgation of the advertisements can be connected, it is reasonable," said John H. Gundlach, former president of the city council and member of the committee.

I take the Hudson Maxim referred to in the clipping and in this special telegram to be one and the same man.

Mr. UNDERWOOD. I think so.

Mr. JONES. I wish to ask the Senator if this Maxim is the Maxim who collaborated in the preparation of the "Battle Cry of Peace" we have heard so much about?

Mr. UNDERWOOD. I think so.

Now, Mr. President, who is this Hudson Maxim? We all know he is a great engineer, a great man, a great inventor; but we also know another thing, that he is one of the consulting engineers of the Du Pont Powder Co., which fought the House provision, and in order to bring the Members of the House or the Senate of the United States in contempt he says that any man who would advance a proposition of this kind is a pork-barrel politician. A pork-barrel politician is what this private corporation's agent calls men who have the temerity to stand on the floor of the House or the Senate and see that the American people have some rights and that those rights are protected.

More than that, I know another great engineer in their employ; not personally, but I know of him. He is one of the greatest hydroelectric engineers in the United States and a man of high character, too, I understand. That is Mr. Hugh L. Cooper, of New York.

Mr. NELSON. Will the Senator allow me to correct him? He is Mr. Hugh Cooper, of Minnesota. He is a native of Minnesota.

Mr. UNDERWOOD. Mr. Hugh Cooper, of Minnesota, is one of the consulting engineers of the Du Pont Powder Co. The Du Pont Powder Co. secured the American rights, or the option to the American rights, of one of these processes. They went out to hunt for power. They did not find any entirely satisfactory to them in the United States, and they were going to Canada, when the proposal was made in the House bill that the Government should develop its power for nitrates. Mr. Hugh Cooper was their consulting engineer. When this question came before the House I know that Mr. Hugh Cooper came to Washington and stated that this provision in the House bill could not be enacted into law. He knew more about it than you do, and he was right; it could not be enacted into law. I know more than that. The Powder Trust had other agents here acting for them. I will not call the names; it is not necessary. In what I said about Mr. Maxim and Mr. Hugh Cooper I am not in any way reflecting on them. They are the employees or have been the employees of this great corporation. They had a right to shrug their shoulders and reflect on men who take the view that I do and prevent if possible men taking the view I do from accomplishing any results. I do not charge these men with any improper conduct. I say they came here to defeat this legislation, and they have succeeded so far.

More than that, the Du Pont Powder Co. had its employees in this town when the bill was pending before the House fighting the bill. So far as I know they may be here to-day for the same purpose. They have a right to be; but the people of the United States have a right to know what this issue is and who are opposing it.

Mr. President, I want to call the attention of the Senate to what it has been costing the people of the United States to secure these nitrates. The records of the Department of Commerce show that the imports of sodium nitrate from Chile into the United States from the year 1867 to May, 1915, were 8,040,271 tons, costing \$261,990,000. The importations have been constantly increasing, and amounted in the year 1913 to 589,136 tons, costing \$20,718,968 for that one year.

The Government of Chile levies an export tax on sodium nitrate that equals in our money \$11.60 a ton, which would amount to \$6,833,977 on the imports coming into the United States in 1913. The Government of Chile has collected on sodium nitrates coming into the United States since the beginning \$90,000,000. In other words, if you continue to get your supply of nitrates for your powder from Chile, the Government of the United States must pay a tribute to the Chilean Government of \$11.60 a ton. If your farmers continue to get their nitrates for their fertilizers from Chile, they have to pay to the Chilean Government \$11.60 a ton for every ton of nitrate that goes into their fertilizers.

As I said, in one year we paid the Chilean Government over \$6,800,000. Six million eight hundred thousand dollars is 3 per cent a year on \$227,000,000. Half of \$227,000,000 would build an air-nitrogen plant, couple up the water power in the running streams of America, and make your rivers navigable and supply the farmers of the United States with their present needs of nitrogen for fertilizer purposes and save far more than the tribute we now pay the Chilean Government and the cost of transportation to our shores.

Mr. WILLIAMS. And the Government with powder.

Mr. UNDERWOOD. And the Government with powder, and produce it at half the cost.

Mr. VARDAMAN. Mr. President, I have not had the pleasure of hearing the Senator's entire speech, but has the Senator given any facts upon the comparative cost to the farmer of nitrogen produced by air and the nitrogen brought from Chile?

Mr. UNDERWOOD. I stated that if the arc process under the expensive water powers of this country would probably cost more, but under the lime-nitrogen process, which only takes about one-sixth of the amount of horsepower, the nitric acid could be produced for about one-half the cost if made out of Chilean nitrate.

But that is not the only question involved here. Food is the most important question to the American people. The cost of food in the United States increased from 1896 to 1912, 80 per cent. The advance in the general cost of living during this period was 59 per cent in the United States and approximately 40 per cent in Europe. The Bureau of Labor has just reported that the cost of living is now 15 per cent higher than it was two years ago, due largely to the increased cost of food products.

I can show you, and expect to show you, that the only way you can reduce the cost of food products and at the same time give the farmers of the United States a chance to make a fair living is by the increased use of cheap fertilizers, and cheap fertilizers mean cheap water power.

Some of you gentlemen who have advocated in all good faith from your standpoint—I am not criticizing your argument—that the Government of the United States should tax its water power for this purpose must bear in mind that every dollar of tax that you put on hydroelectric horsepower when it is being used for this purpose means the increased cost of the nitrates that go into the fertilizers for the farmers' use, and instead of increasing the price of your power as created by the Government of the United States, so long as it gets a fair interest on its money invested, it ought to furnish the power as cheaply as it can, if it has a guaranty that the cheap power will mean cheap nitrates and cheap fertilizers.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. UNDERWOOD. Yes, sir.

Mr. GALLINGER. The Senate spent about an hour to-day in undertaking to provide an investigation as to the high cost of gasoline. In view of the fact the Senator has stated that the price of food products has greatly increased during the past year, does he not think it would be better for us to devote our time to investigating that subject and see if we can not get cheap food rather than cheap gasoline?

Mr. UNDERWOOD. I will stand for cheap food rather than cheap gasoline, but I would like to see both.

From 1900 to 1910, as shown by the United States census, the population of the United States increased 21 per cent, and its crop production only 10 per cent.

The importation of foodstuffs and live animals doubled, and the exportation of wheat and flour dropped from 31 per cent of their production to 13 per cent. The cost of living and the productivity of the soil is identically the same thing, and if we go on without increasing the productivity of the soil of our country by cheap fertilizers this condition will continue.

Now, take the example of Germany. Germany can be referred to as pointing out European agricultural practice. She has increased in 20 years her grain crops 15 bushels to the acre. In the same time the United States has increased its grain crop 3 bushels to the acre. The potato crop has increased in Germany 80 bushels to the acre; in the United States 24 bushels.

Germany's acre yield is practically double that of corresponding crops in the United States; and why? Germany uses four or five times as much fertilizer per acre cultivated as we use. If the farmers of the United States had a cheap fertilizer and used it over the cultivated area of the United States at the rate Germany uses fertilizer, there would be a net gain above the cost of fertilizer of \$1,000,000,000 a year. The sure and safe way to obtain cheap fertilizer is to use the water power of America, that is now going to waste, to fix nitrogen out of the air.

Mr. President, I hold in my hand an article prepared by Mr. Frank S. Washburn, one of the great engineers of this country, who is connected with the American Cyanamid Co., which he wrote and furnished to the Secretary of Agriculture, David Franklin Houston, on the nitrogen problem. I intended to read to the Senate extracts from this paper, showing the necessity of the development of water power for cheap nitrogen on behalf of agriculture, but, as I understand it is not contrary to the rules of the Senate to insert as a part of my remarks an article prepared by somebody else, I ask unanimous consent that I may do so as to this article.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

#### THE NITROGEN PROBLEM.

[Compiled for Hon. David Franklin Houston by Frank S. Washburn, Jan. 29, 1916.]

Without fixed nitrogen the earth would soon become an uninhabitable desert waste. Sir William Crookes, the English chemist and economist, declared that the food supply of the world is dependent upon the supply of nitrogen. It is absolutely necessary to the existence of animal and plant life. We live in it, we breathe it, we eat it, and it enters into the composition of the human body. Nitrogen is a constituent of all organized life and tissues. In a free state it is a colorless, tasteless, odorless, gaseous, nonmetallic element. The atmosphere enveloping the globe consists chiefly of nitrogen, which constitutes 78 per cent of its volume and 75.5 per cent of its weight. It has been estimated that the column of air resting upon each square yard of the earth's surface contains 6.4 net tons of nitrogen. The material is abundant; in fact, it is unlimited; but as Dr. Thomas H. Norton has said, "The nitrogen problem of the day is the difficulty to bring it into a form available for the wants of mankind."

The atmospheric nitrogen above 1 square mile of land, amounting to about 20,000,000 tons, is equivalent to what the world will require in the next 50 years at the present rate of consumption. Of this enormous reserve a minute fraction—about 0.000002—is in the active service of the vegetable and animal kingdoms. In the soil, in the form of nitrate, it is a chief factor of plant food. From the plants it passes into the bodies of animals, whence it returns to the soil. Through the action of bacteria, with the aid of certain legumes, and by electrical discharges in the air, a corresponding amount is constantly brought into a combined form and enters the cycle of changes. The amount of this "nomadic" nitrogen, as it has aptly been termed, is on an average about three-fourths of an ounce for each square yard of land.

The actual consumption of nitrogen in its crude forms in the United States in 1910 was 283,496,000 pounds, valued at approximately \$45,000,000 (wholesale), of which more than \$32,000,000 worth was imported.

In the United States the per capita consumption is at present only a little over one-half that for Germany. It is, however, rapidly growing, and the annual sum now sent abroad for the purpose of nitrogenous compounds has become even a more important item. The fact that the United States, in common with all civilized countries, and especially with all agricultural and manufacturing countries, is dependent upon the one natural source of nitrate in Chile, and the additional fact that the Chilean nitrate deposits are not particularly extensive and are destined at an early date to complete exhaustion, constitute another factor in the nitrogen problem.

The efforts that are being made to release the manufacturing and agricultural interests of the world from this dependence assume increasing importance each day in many European countries. During 1913 the United States imported 625,000 tons of Chilean nitrate, valued at \$21,630,000, upon which the Chilean export duty was 60 per cent. Thus the people of the United States paid taxes to the Chilean Government of \$8,000,000 for part of the nitrogen they consumed.

#### INCREASING DEMAND FOR FIXED NITROGEN.

Dr. Norton, in his monograph on the "Utilization of Atmospheric Nitrogen," says:

"During the middle of the nineteenth century a disturbing force came into play as the result of the increase of population in those countries where cereal foods are a staple element of diet, especially in Europe and North America. The methods provided by nature for maintaining a certain normal degree of fertility were no longer adequate in order to insure a sufficient supply of wheat and other cereals in various countries. In order to increase the yield of a given area of land, recourse was had to artificial fertilizers. The needed nitrogen was obtained partly from the ammonia secured as a by-product in the manufacture of gas, to some extent from accumulated deposits of guano, and largely from the remarkable deposits of sodium nitrate in Chile. For over half a century the consumption of both ammonium compounds and sodium nitrate has increased constantly. In addition to the demands of agriculture, modern chemistry calls for vast amounts of nitric acid and its derivatives. One-fifth of the Chilean nitrate now consumed in Europe goes into the manufacture of explosives, of coal-tar colors, and of other allied products."

In 1898 Sir William Crookes estimated that the bread eaters of Europe and America numbered 516,000,000, and were increasing at the rate of 6,000,000 annually. The acreage of cereals in that year was 167,000,000, and only 100,000,000 acres more were available for such cultivation. The annual per capita consumption of wheat was 4.6 bushels, and the average yield per acre was 12.8 bushels. From these figures he calculated that by 1941 the wheat fields of the world must cover 292,000,000 acres in order to meet the demands of a population of 819,000,000 bread eaters. During the period from 1900 to 1910 the population of the United States increased 21 per cent, but crop production increased only 10 per cent. Taking Germany as a good example of European agricultural practice, she has in 20 years increased her yield of grain crops 15 bushels to the acre, as compared with only 3 bushels for the United States. Her potato crop has been increased 80 bushels, compared with 24 bushels for this country. In general, German acre yields are approximately 80 per cent greater than for the corresponding crops in this country, and yet Germany has only one-fourth the acreage under cultivation that the United States has.

#### EXPERIMENTS WITH FERTILIZERS.

Ohio Experiment Station Circular No. 144 reports the results obtained in the twentieth year of a test under a judicious system of rotation and fertility maintenance. Where good tillage was supplemented by the addition of suitable fertilizers in profitable amounts, an expenditure of \$17.60 for fertilizer per acre per five-year rotation returned an average total income of \$35.23, or a net gain of \$17.63 per acre for each five-year rotation.

Purdue Agricultural Experiment Station, La Fayette, Ind., reports in Circular No. 23, as follows:

"Experiments in 10 representative counties of Indiana have shown an average gain due to fertilization of wheat of 11.6 bushels per acre. The average cost per acre for fertilization was \$4.14, leaving a net profit per acre of \$7.46."

In Circular No. 25 the same station reports concerning their tests of fertilizers on corn, as follows:

"Experiments in 11 representative counties have shown on an average a gain due to corn fertilization of 7.7 bushels per acre. The average cost of fertilizer was \$1.38 per acre, leaving a net profit of

\$1.71 per acre, or a net profit of \$1.24 for every dollar invested in fertilizer."

After 30 years' experimenting the Pennsylvania State College of Agriculture finds that the judicious application of fertilizer on corn makes a 36 per cent gain in yield per acre, wheat makes a 74 per cent gain in yield per acre, oats makes a 31 per cent gain in yield per acre, hay makes a 54 per cent gain in yield per acre.

Dr. B. W. Kilgore, State chemist and director of test farms, North Carolina, is authority for the following:

"From 1886 to 1895 the average acre yield of cotton in North Carolina was 171 pounds of lint cotton; from 1896 to 1905, 199 pounds per acre; from 1906 to 1910, 215 pounds per acre. From 1886 to 1895 the average yield of cotton in North Carolina was at a standstill, and averaged annually for the 30 years 172 pounds per acre, while for the next 15 years—from 1896 to 1910—the annual average production of lint cotton was 204 pounds, or an increase of 32 pounds in 15 years, being little more than 2 pounds per acre of year. With cotton at 10 and 15 cents, respectively, this represents an almost net profit of 20 and 30 cents per acre per year of the 15 over the preceding one, the accumulated profit for the last year of the 15-year period being \$3.20 per acre with cotton at 10 cents, and \$4.70 with cotton at 15 cents."

"What I shall say will be based, in the main, not on causes or estimates but on actual yields or weights obtained in our experiment on the Iredell test farm, near Statesville, where the soil is a red clay loam, and on the Edgecombe test farm, where the soil is a fine sandy loam. These soils, with those which are closely related to them, are the main cotton lands of the State."

"The fertilizer used at both places contained 7 per cent available phosphoric acid and 2½ per cent each of nitrogen and potash. The results for no fertilizers and for different quantities of fertilizer were as follows:

#### Iredell test farm (red clay loam soil).

[Five years' averages.]

Pounds fertilizer used.	Yield (pounds seed cotton per acre).	Part bale of 500 pounds.	Average profit per acre on fertilizer.	Average profit per 100 pounds fertilizer after paying for the fertilizer.
None.....	176.6	0.12		
200.....	656.5	.46	\$16.00	\$8.00
400.....	912.9	.65	27.59	6.89
600.....	1,008.9	.72	32.30	5.58
800.....	1,083.9	.77	33.84	4.28
1,000.....	1,180.9	.84	36.86	3.68
Average.....				5.63

#### Edgecombe test farm (fine sandy loam soil).

[Seven years' averages.]

Pounds fertilizer used.	Seed cotton yield (pounds per acre).	Part bale of 500 pounds.	Average profit per acre on fertilizer.	Average profit per 100 pounds after paying for fertilizer.	Average part of bale on both farms.
None.....	738	0.52			0.325
200.....	842	.60			.530
400.....	1,120	.80	\$11.45	\$2.84	.725
600.....	1,249	.89	17.04	2.84	.805
800.....	1,472	1.05	25.33	3.16	.910
1,000.....	1,582	1.13	28.53	2.85	.985

Average for Edgecombe Farm..... \$2.92  
Average for Iredell Farm..... 5.63

Average for both farms..... 4.27

"The average profit from the use of fertilizer on cotton on the soils in the two sections of the State was \$4.27 per 100 pounds of fertilizer."

"It will, I think, be difficult to find a farm operation which will yield a higher profit than this shows for cotton. It is a case where, after eating the cake, more than four cakes have been left or produced; after paying for the fertilizer itself, more than \$4 profit has resulted for each dollar expended."

Prof. H. Erdmann compiled the following data from German experiments to show how easily the productivity of German farms could be still further increased:

[From Soil Improvement Committee Bulletin, National Fertilizer Association.]

Crops.	Present acreage.	Average crop per acre.	Possible crop by intensive culture.	Nitrogen to add per acre.	Additional crop obtained.
		Tons.	Tons.	Pounds.	Tons.
Rye.....	15,000,000	0.60	1.20	52.8	9,000,000
Wheat.....	6,000,000	.75	1.60	114.4	4,800,000
Oats.....	10,000,000	.69	1.52	88.0	8,000,000
Potatoes.....	8,000,000	5.20	12.00	105.6	40,000,000
Barley.....	2,500,000	.66	1.40	52.8	1,500,000

These proposed additions of nitrogen are supplementary to the quantities already employed in German agriculture to the extent of an average of 50 pounds per acre. To show the correctness of the figures advanced by Prof. Erdmann, the following table illustrates the

role actually played by nitrogen in the cereal production of Europe, using the average figures of crop yields for the period from 1903 to 1907:

Countries.	Wheat.	Rye.	Barley.	Oats.	Nitrogen applied per acre.
	Tons.	Tons.	Tons.	Tons.	Pounds.
Germany.....	0.848	0.652	0.760	1.880	50.0
Austria.....	.492	.500	.548	.400	26.0
Hungary.....	.480	.460	.504	.452	24.0
France.....	.584	.456	1.000	1.000	31.0
Belgium.....	1.040	.720		2.464	58.0
Portugal.....	.300				8.6
Italy.....	.362	.360		.328	

It is conceded by eminent authorities that an adequate supply of nitrogenous fertilizer, along with methods of intensive agriculture, will easily increase the yield of farm products per acre to such an extent that the present food problem of civilization can be advanced far into the next century.

#### USE OF FERTILIZERS WELL ESTABLISHED.

The history of the use of fertilizers has proved without a doubt that they have an essential and economic place in good agriculture. Within the last 20 years, Dean Price, of Ohio State University, tells us, Germany has increased her crop production over 61 per cent, and one of her leading authorities, Prof. Wohltman, predicts that within the next 20 years there will be an additional increase of 40 per cent. The Germans say that this increase has been brought about by a better knowledge of how to till the soil and how to use fertilizers. When American farmers take up the same methods with the same thoroughness, and not until then, will our yields be raised to the same high levels.

There is a great difference in the yield of the staple crops produced in Germany, where fertilizers have been used for the last 100 years, compared with the same crops grown in the five Northeastern States of this country, where fertilizers have been used for a period of at least a half century, and compared with the same crops grown in the five Central States, where fertilizers are just beginning to be accorded their logical place in good farming, as shown by the following table:

Average yield per acre for 1910-1912, inclusive.  
[United States Census Report for 1910.]

	Wheat.	Oats.	Potatoes.
	Bushels.	Bushels.	Bushels.
Germany (fertilizers used over 100 years).....	31.3	51.0	186.3
5 Northeastern States—Maine, New Hampshire, Vermont, Massachusetts, New York (fertilizers used for the last half century or more).....	23.9	36.6	134.5
5 Central States—Illinois, Iowa, Ohio, Indiana, Missouri (States that have used fertilizers less than 25 years).....	14.5	34.4	79.5

The official German crop returns, issued by the German imperial statistical office, report that in 1912 there was an increase of 38 per cent in the crop production of that country over the production of 1911. It is interesting to note that in 1910 Germany used 6,000,000 tons of fertilizer, while in 1900 she was using only half that quantity. In 1912 American farmers, upon four times the area of land cultivated, used only 6,500,000 tons of fertilizers. To be more exact, Germany applied 145 pounds of fertilizer per cultivated acre, while the Eastern States applied 67 pounds per cultivated acre, and the Middle West corn belt States applied only 8 pounds per cultivated acre. Undoubtedly the addition of plant food in this shape is responsible to a very large degree for the larger yields of superior quality obtained across the sea.

The average value of the crops produced per acre has a direct relation to the amount of fertilizer used, according to the census reports for 1910. This is illustrated in the following table:

States.	Fertilizer used per cultivated acre.	Crop values per cultivated acre.
Indiana.....	\$0.51	\$17.08
Ohio.....	.93	21.58
Pennsylvania.....	1.28	22.96
Alabama.....	1.71	23.65
Georgia.....	2.72	28.50
Virginia.....	3.91	28.83
North Carolina.....	4.06	31.52
South Carolina.....	4.45	33.32
Maine.....	11.16	49.70

Georgia consumes the largest quantity of fertilizer of any State in this country. The census reports for 1910 show that the counties which use the largest amount of fertilizer per cultivated acre of crops produce the largest crop values per acre. This is shown by the following table:

Average value of fertilizer applied per acre cultivated.	Number of counties using fertilizer at rate shown.	Average value of all crops grown per acre cultivated.
Less than \$0.50.....	14	\$11.31
\$0.50 to \$1.....	24	15.54
\$1 to \$1.50.....	57	17.54
\$1.50 to \$2.....	39	20.70
\$2 to \$2.50.....	11	24.68
Over \$2.50 (\$2.98).....	1	30.81

#### STATEMENTS BY LEADING AUTHORITIES.

"There is no style of farming that we can hope to carry on indefinitely without the use of some kind of fertilizer. Any type of farming or gardening where the entire product of the soil is sold off the farm demands a liberal use of commercial fertilizer." (Alfred Vivian, dean of the Agricultural College, Ohio State University.)

"The fertility of the soil, therefore, is simply its feeding ability. The difference between a poor soil in this respect and a rich one is that which is found between the larder of poverty and the larder of wealth. To supplement any deficiencies in plant foods, manures and fertilizers are to be freely used." (Harvey Wiley, M. D., formerly Chief Chemist of the United States Department of Agriculture, in his book, "Lure of the Land.")

"The practice of supplementing manures with commercial fertilizers, except where the former, as in some types of market gardening, are supplied in enormous quantities, has been for many years and is now practically universal." (Director William P. Brooks, Massachusetts Agricultural Experiment Station.)

"One of the principal causes of failure to secure satisfactory yields of wheat in Indiana at the present time is lack of proper attention to the matter of feeding or fertilizing the crop. There is no doubt that our farmers will have to pay more attention to this point if they wish to grow wheat at a profit. It is just as necessary to have an adequate supply of food available for a crop of wheat as it is to have plenty of food at hand in order to grow a drove of hogs." (Director Arthur Goss, Indiana Experiment Station.)

"All the States along the Atlantic seaboard now use commercial fertilizers. Eventually there will not be an acre in the Nation that can not profitably use fertilizers. If used in the smallest European proportions of \$6 per acre, the aggregate sum bulks so large as to stagger the imagination." (Myron T. Herrick, former governor of Ohio, minister to France.)

"I believe that the principal increase of the harvest is to be attributed in part to the application of artificial fertilizers themselves and in part to their combination with green manures. Through the application of the two the yield on the average has been doubled on our common light soils. In some cases the yield has been increased two and one-half to three times." (Von Seelhorst, Royal Agricultural Experiment Station, Gottingen, Germany.)

"The great factor has been the introduction of fertilizers and purchased feeding stuffs. As soon as you can introduce on a farm some extraneous source of fertility, you can raise the standard of production." (Director A. D. Hall, Rothamsted Experimental Station, Harpenden, England.)

"In attempting to feed the soil, we lose sight of the immense area of an acre. An acre contains 160 square rods, or 43,560 square feet. To apply 400 pounds of fertilizer to an acre is to apply 2½ pounds to the square rod, almost a ridiculous amount. To apply 1,000 pounds per acre is to apply a little more than 6 pounds to the rod—little enough, is it not? In Europe men know better than we, and there applications of 1,000 pounds per acre of basic slag or bone meal or acid phosphate would be given even to pasture lands. Had we not better farm fewer acres and feed them well?" (Joseph Wing in the Breeders' Gazette, Oct. 9, 1912.)

The following article by Dr. Hugo Schweitzer appeared in the Review of Reviews, August, 1915:

"With cheap power Germany has been able to produce new nitrogen compounds which threaten to revolutionize our present system of fertilization."

Dr. Thomas H. Norton has said:

"As the population increases and suitable land for agricultural purposes is no longer available, the necessity of a liberal use of nitrogenous fertilizers will soon be imperative throughout all sections of the United States."

#### IMPORTANCE OF NITROGENOUS FERTILIZERS.

The three chief elements of plant nutrition are nitrogen, phosphorus, and potash. Nitrogen is the most important and costly element of fertility. As a fertilizer nitrogen produces more immediate and direct effects than application of phosphoric acid and potash alone. The nitrogen in many fertilizer mixtures costs more than the phosphoric acid and potash together, but it produces the greatest crop increase, especially in complete mixtures. This is illustrated by the following average yields obtained in tests covering 55 years at the Rothamsted (England) Experiment Station.

	Wheat.	Straw.
	Bushels.	Pounds.
No fertilizer.....	12.9	1,175
Phosphate and potash only.....	14.8	1,380
Nitrogen only.....	20.5	2,090
Complete fertilizer.....	31.6	3,570

It is the forms of nitrogen that account for the varying results obtained with different brands of fertilizers of the same analysis. Phosphoric acid and potash salts are alike in grade, but there are about 20 different forms of nitrogen in common use. Some are excellent, some are fairly good, and some are almost worthless.

Prof. Dr. Lemmerman, in his recommendations to the German Government at the outbreak of the war to take immediate steps for the erection of Government nitrogen factories, said:

"We are short 880,000 tons of nitrogen salts, compared with the usual consumption. If one calculates this quantity to its grain equivalent, the resulting crop shortage will amount to 3,300,000 tons of grain."

#### AVAILABLE SOURCES OF FIXED NITROGEN.

Nitrate of soda: The deposits of nitrate in Chile are rapidly decreasing, and it is estimated that the exhaustion of the rich and more cheaply worked deposits is only a matter of a comparatively few years. Export taxes on shipments of nitrates are the only source of revenue to the Chilean Government. These taxes and high ocean freight rates, as well as increased mining costs, account for the high prices at which nitrate has been selling in recent years.

Sulphate of ammonia: The production of sulphate of ammonia as a by-product of the distillation and coking of coal for its successful existence must have a full and adequate return on every one of the other by-products. The production of ammonia for the year 1912, as published by the American Coal Products Co. and accepted by the Government in its bulletins, was the equivalent of 165,000 tons of sulphate of ammonia. It has not been possible to learn what part of this

equivalent production was actually in the form of sulphate of ammonia suitable for use as a fertilizer.

On the basis of the census returns for 1909 it is estimated that only about 40,000 tons of sulphate of ammonia were made as such for agricultural purposes. After all the discussion and the great importance that by-product ammonia has assumed in the public mind, in its relation to agriculture, an investigation has shown that the by-product coke oven is applicable to no greater production percentage of the coke demand than is represented by the maximum iron production, and that only half of this demand is practicable of being economically filled from the by-product ovens. This, then, seems to be the main limitation to the growth of the by-product oven, which produces, for the most part, the ammonia that is acidulated for fertilizer purposes. There seems also to be a natural limitation to the growth of the by-product oven of not more than one-third of the total metallurgical coke production, which would be equivalent to the coking of about 20,000,000 tons of coal per annum. This, under the present methods of operation, would be sufficient to produce the equivalent of only 200,000 tons of sulphate of ammonia per annum, of which only about 75,000 tons would be available for agricultural uses. The other 125,000 tons would find a ready demand at profitable prices in the form of aqua and anhydrous ammonia. Therefore it may well be considered that the actual commercial limit of sulphate of ammonia production from by-product ovens for agriculture will not exceed 100,000 tons per year.

Organic ammoniates: We have now reached the limit of fertilizer ammoniates derived from the animal and vegetable matter, such as bone, meat tankages, seed meals, etc. Practically all of these materials are being utilized to an increasing extent each year for stock-feeding purposes because of their greater value in that direction. The production of these materials is large and important, but far from sufficient to meet the demands of agriculture and quite prohibitive in cost for general fertilizer use.

Atmospheric nitrogen: The fixation of atmospheric nitrogen may be expected to give the world its nitrogen supply at one-half the price that it would otherwise amount to. It is a wonderful providence that perpetual and inexhaustible supplies of nitrogen may be obtained from the atmosphere by the use of hydroelectric power. Hydroelectric nitrogen plants have long been in operation in Norway, Sweden, Germany, Australia, Switzerland, Italy, France, Spain, and Canada, but there are none in the United States. The industry has been in commercial operation for approximately 10 years. It has long emerged from the experimental period, and as early as 1913 was represented by an investment of approximately \$60,000,000. The annual value of the product is upward of \$30,000,000.

The total quantity of nitrogen fixed by existing processes prior to the war is divided in the ratio of about two-thirds to cyanamide and one-third to the arc processes. The annual productive capacity of the existing plants employing the arc and cyanamide processes was between 90,000 and 100,000 net tons of fixed nitrogen at the beginning of the European war. The German production, by the cyanamide process, according to latest reports, has been raised from 60,000 tons of cyanamide in August, 1914, to 600,000 tons at the present time.

The cyanamide process: The cyanamide process for the fixation of atmospheric nitrogen as operated in Europe and Canada can be established in the United States if a plentiful supply of water power is made available. Of all the processes of obtaining nitrogen compounds none is as cheap or unlimited in the amount that can be produced as the cyanamide process. The greatest heat and the greatest cold obtainable are utilized in making cyanamide. By the intense heat of the electric furnace (6,000° F.) lime and coke are fused together to make calcium carbide. This is powdered and placed in large drumlike ovens and then brought by electricity to a white heat. In the meantime wonderful machines are making liquid air by compressing and cooling over and over again clear, pure air until at 330° below zero the air liquefies. Air is four-fifths nitrogen and one-fifth oxygen. When the liquid air is warmed a little only pure nitrogen gas is given off. This is pumped into the drum-shaped ovens containing the white-hot carbide, by which it is absorbed and by which it is permanently fixed. The product, cyanamide, when cooled, ground, and processed with special machinery, is suitable for use as a fertilizer.

Cyanamide is a bluish-black, odorless, powdered material. It contains from 20 to 22 per cent atmospheric nitrogen. The factories located at Niagara Falls, Canada, have been increased from an original capacity in 1909 of 12,000 tons to 64,000 tons cyanamide per annum in 1914, and at which rate they are now operating. The product is used by over 300 fertilizer manufacturers in the United States, and it is estimated that cyanamide is now used as a source of organic nitrogen in about one-quarter of the total ammoniated fertilizer mixtures consumed in the United States.

#### AMMONIUM PHOSPHATE.

It is quite easy to obtain ammonia gas from cyanamide by treatment with superheated steam. This ammonia can be fixed in phosphoric acid to make a patented chemical fertilizer known as "ammo-phos," which is principally phosphate of ammonia. The phosphoric acid used in the process is obtained from phosphate rock by extraction with sulphuric acid or by electric-furnace treatment. The ammo-phos resulting from the combination of ammonia and phosphoric acid is a dry gray or cream-colored powdered material that looks very much like ordinary acid phosphate. Ammo-phos contains about 12 per cent ammonia and 48 per cent available phosphoric acid. The ammonia (nitrogen) content can be increased to 20 per cent, and the phosphoric acid reduced to give any desired ratio of ammonia (nitrogen) to phosphoric acid. Both constituents are almost entirely water soluble. The product is perfectly neutral, pleasant to handle, and will keep indefinitely. Ammo-phos is the result of years of research to develop an ideal or universal fertilizing material from atmospheric nitrogen fixed by the cyanamide process. It can be mixed in any desired quantity with potash salts. A mixture of ammo-phos and potash salts would equal in all respects the so-called and recently exploited "universal fertilizer" with which Germany threatens to revolutionize her agriculture.

#### IMPORTANCE OF NITROGEN AND PHOSPHORIC ACID.

One hundred and seventy-seven millions dollars was expended for commercial fertilizers in the United States during the year 1914. Of this amount \$78,000,000 was paid for nitrogen and \$65,000,000 for phosphoric acid, a total of \$133,000,000 for both, or over 80 per cent of the entire bill. Only \$43,000,000 was paid for potash. Germany is smaller than the State of Texas, yet she uses more fertilizer than the entire United States—about \$200,000,000. Her crop yields are approximately 80 per cent greater than the yields of this country. If the United States had available an adequate cheap supply of fertilizer, and used it at the German rate per cultivated acre, and secured thereby the same increase in production credited to the use of fer-

tilizers in Germany, there would be a net gain in crop yields to the United States, over and above the cost of the fertilizer, of \$1,000,000,000 per year.

#### MERITS OF AMMO-PHOS.

Ammo-phos has been tested on 23 different farm crops in all parts of the United States. These tests have demonstrated that it is equal or superior to ordinary fertilizers that furnish the same amount of plant food constituents. The material contains more than 60 per cent of plant foods, and is therefore three to five times as rich in fertilizing value as ordinary fertilizer mixtures, which usually contain only 12 to 20 per cent plant foods. Hence only one-third to one-fifth as much ammo-phos need be applied in the form of mixed fertilizers.

The highly concentrated form of ammo-phos can be expected to greatly reduce the present-day expense of hauling, freighting, mixing, bagging, handling, and applying fertilizers. There are no material limitations to the amount of ammo-phos that can be produced.

Pure ammonium phosphate can be made in large quantities as a by-product of the manufactured ammo-phos. The principal industrial use of pure ammonium phosphate is for fireproofing textiles and other inflammable materials and in the manufacture of baking powders, etc.

#### REQUISITES FOR THE MANUFACTURE OF AMMO-PHOS.

- (1) A plentiful supply of cheap water power.
- (2) Large quantities of phosphate rock—which can be readily obtained from the deposits in Florida, Tennessee, and Western States.

#### NATIONAL AND ECONOMIC CONSIDERATIONS.

Ammo-phos on the unit of plant-food basis, and if made in sufficient quantities, would effect a saving in the cost of the United States fertilizer bill of more than 50 per cent on the nitrogen and 20 per cent on the phosphoric acid. If it were made in sufficient quantities to furnish United States farmers all the nitrogen and phosphoric acid necessary to fertilize their cultivated acreage, at the same rate that the Germans fertilize, then our total expenditures for fertilizers would be only \$580,000,000 instead of \$740,000,000, which would be the cost for the grades now obtainable. Based on the best figures obtainable, this expenditure for fertilizer should raise the total value of all farm crops from \$5,487,000,000, census 1910, to \$7,130,000,000, leaving a net gain, after deducting the cost of fertilizer, of \$1,240,000,000. This great figure of gain is worthy of the most serious consideration in connection with this country's problems on the cost of living, readjustments of land values, conservation, and means of providing adequate national defense.

The plants and equipment for making ammo-phos would be available, in time of war, for furnishing great quantities of nitric acid and sulphuric acid. The various kinds of gunpowder, explosives, and primers used in cartridges, grenades, shrapnel, bombs, torpedoes, and the like require for their production large amounts of both the acids named. In this respect the establishment of one or more ammo-phos factories would be an excellent preparedness measure.

Ammo-phos factories can be advantageously located near the large beds of phosphate rock in the United States, and thus assist in the development of this very important resource.

In times of peace, explosives in the war sense are substantially unknown and without use. In their manufacture, as well as in fertilizer, nitrogen is uniformly required as the chief constituent. The only nitrogen material at present available for use on a large scale is Chilean nitrate of soda. Germany began the war with a store of \$30,000,000 worth of Chilean nitrate imported mainly for fertilizer purposes. But even this great store was adequate only for a short period, and realizing the impracticability of protecting the long sea route from Chile, Germany turned her attention to increasing the existing plants and equipment within her borders for the fixation of atmospheric nitrogen and its conversion into explosives. Her present use of explosives is estimated by military experts to be a quantity which at the present contract prices for similar explosives furnished in the United States represents approximately an expenditure of \$1,000,000 per day. This represents a daily consumption of about one and one-third million pounds of powder, requiring upward of 500,000 pounds of nitrogen.

It was only by applying to her military necessities the inventions of her scientists that Germany has been able to continue the contest and preserve, as her people believe, her national integrity.

The United States Government now has absolutely no means of amplifying its nitrogen supply except as long as it can keep open and unmolested the sea route from Chile to United States ports.

The statement has been attributed to the Secretary of War that "The United States has a store of explosives sufficient only to enable her to conduct a war from 8 o'clock until half-past 10 of the same morning."

Cheap nitrogen is the basis for making and supplying an abundance of fertilizers and explosives. To obtain it in sufficient quantities is a question of the fixation of atmospheric nitrogen. Therefore, the most pressing of all economic questions, that of increasing the country's crop yields and the greatest problem in conducting a war, find a solution in the most wonderful of all modern discoveries—the fixation of atmospheric nitrogen.

Mr. UNDERWOOD. Now, here is the last analysis of this question. What do fertilizers cost the German people? What do they cost our people? Germany has 70 per cent of the number of our population. The size of her territory is not any greater than that of Texas—Texas compared to the United States—and yet per cultivated acre, Germany uses seven times as much fertilizer as is used by the farmers in the United States per average acre cultivated, and Germany in that small territory produces 95 per cent of the food products necessary to feed her people.

What does the story mean? It means cheap fertilizer. In the United States nitrogen costs our people—it is the census authority that I am giving—\$4.65 per unit; phosphoric acid costs 90 cents per unit, and potash costs \$1.36 per unit. In Germany nitrogen costs \$2.45 per unit; phosphoric acid costs 60 cents per unit, and potash costs 31 cents per unit. The difference in the nitrogen cost alone is \$2.20 per unit to enable that great people, with a population 70 per cent of ours, within a territory no larger than Texas, to practically be self-sustaining and to feed their own people in their own country; and yet we

are told that this question has no place in a Government bill; that the Government of the United States has no right to act on this question, but that you must leave the question of making nitrates for powder in times of war and fertilizer in times of peace for the exploitation of a private corporation that was so good as to come here this morning in advance of my speech and to tell the Senate of the United States that they have the money to develop our water powers and to take care of our nitrogen problem for us, and that the people of the United States are not concerned about it!

Mr. President, I am not concerned about the language of the amendment I have offered. I think it is a fair one, because it seeks only to get the necessary information that Congress may in the future legislate upon; but I am willing to accept any fair amendment which the Committee on Military Affairs proposes or which the Senate may prefer to mine. I do say, however, Mr. President, that if the Senate of the United States seeks to pass a bill entitled a preparedness bill to protect this country against a foreign enemy in time of war and leaves out of it all provision looking to a suitable supply of nitric acid for the United States Government, the bill will be a travesty on legislation, a disgrace to the American people, and unworthy of the Congress of the United States. I do not believe that the efforts that were made in the House of Representatives to defeat this legislation can be successful in the Senate of the United States; and with that I leave the case with you.

Mr. SMITH of South Carolina. Mr. President, I think it but proper that I should now state, at the close of the speech of the Senator from Alabama [Mr. UNDERWOOD], for the information of the Senate, that a bill embodying the ideas set forth by him has been introduced in the Senate and referred to the Committee on Agriculture and Forestry. We have had quite a series of hearings on this particular point. We availed ourselves of the experts of the Government; we also availed ourselves of experts who had an interest in the manufacture of nitrates. The committee, after those voluminous hearings, the report of which is printed and is now available for the use of the Senate, considered the terms of the bill, and with very slight amendments they reported favorably on it.

The committee believed that the information we now have warranted us in reporting a bill that sought to put the Government in a position to go immediately into the preparation for locating the water-power sites, erecting the plants, and securing what in its judgment are the best places for the extraction of nitrates.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. SMITH of South Carolina. I yield.

Mr. GALLINGER. May I ask the Senator from South Carolina a question?

Mr. SMITH of South Carolina. Yes.

Mr. GALLINGER. It has been stated to me that there are only two water-power sites in the United States that will furnish power enough to accomplish the result which the Senator from South Carolina is so ably advocating. Can the Senator tell me as to that, and where those sites are located?

Mr. SMITH of South Carolina. I will say to the Senator from New Hampshire that the question which he has propounded was in some form or other asked practically by every member of the committee who was interested in this subject, and the hearings will develop the fact that there are numerous water-power sites in this country where water power can be developed amply sufficient to manufacture this commodity.

Mr. GALLINGER. That is what I supposed. It seemed to me inconceivable that there could be in the United States only two places where this could be done, and I am glad to get the Senator's opinion on that point.

Mr. SMITH of South Carolina. I hope the Senator from New Hampshire will take the pains to read the report of the hearings. There were one or two witnesses who testified as to that point, and the fact is, it was stated by one witness that he believed there were but two water-power sites sufficient for this purpose, as the Senator from New Hampshire has intimated he has been told.

Mr. VARDAMAN. Where were they located?

Mr. SMITH of South Carolina. One of them was, I believe, on the Columbia River; and the other one, I believe, was on the Alabama River, perhaps at Muscle Shoals.

Mr. GALLINGER. It was on the Coosa River, I think.

Mr. SMITH of South Carolina. I think it was on the Alabama River.

Mr. UNDERWOOD. It was on the Tennessee River.

Mr. SMITH of South Carolina. On the Tennessee River.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. SMITH of South Carolina. I yield.

Mr. POINDEXTER. Before the Senator from South Carolina passes from that point, I should like to state that there are at least a half dozen points in the State of Washington where a sufficient water power could be developed for the manufacture of nitrogen. There are at least three points on the Columbia River where the entire volume of that river could be used.

Mr. WARREN. Mr. President, could the Senator from Washington give us the approximate water power which could be developed at the different sites to which he refers in the State of Washington?

Mr. POINDEXTER. Mr. President, I could very readily furnish the names of such sites to the Senator, but I am not able at this time to give the horsepower which could be produced at each one of the different sites. There is also a water-power site, which has been referred to in a number of these hearings, on the Pend Oreille River, which is sometimes called the Clarke Fork of the Columbia.

Mr. SMITH of South Carolina. Mr. President, I should like to call the Senator's attention to the fact that one thing that seemed to restrict the consideration of some of the more desirable of the water powers was the attitude of the committee that in establishing these plants we should get sufficiently far from the seacoast so that whatever plants were established by the Government might not be jeopardized by war vessels or by the rapid approach from the coast to them. This much, however, was developed, that we had ample water power throughout the United States; in fact, that we had water power in the southeastern part of our country, in the western part of our country, and in the northeastern part of our country for the purpose of producing this chemical.

Mr. JONES. Mr. President, will the Senator from South Carolina yield to me?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. SMITH of South Carolina. Yes.

Mr. JONES. I wish to ask the Senator from South Carolina what the testimony shows would be the necessary power to be developed at a given point for the purpose of manufacturing nitrate?

Mr. SMITH of South Carolina. All of those who testified before the committee said that the minimum that would be the most economical was 30,000 horsepower.

Mr. JONES. I simply desire to reiterate what my colleague [Mr. POINDEXTER] has stated, that we have at least a half dozen places like that away in the interior of the State of Washington. We have one such development of 400,000 horsepower, one of 112,000 horsepower, that I know of, and another of 100,000 horsepower.

Mr. SMITH of South Carolina. I think there is no difficulty about that. I do not think there is any question as to our obtaining water-power sites.

Mr. POINDEXTER. We already have in the neighborhood of 190,000 horsepower developed at the city of Spokane.

Mr. SMITH of South Carolina. Mr. President, I want to reiterate a statement I made a moment ago, which perhaps Senators interested did not hear or appreciate. The committee was informed by the officers of the department that, in their judgment, it would be unwise to attempt to locate a Government plant for the manufacture of this article within a certain distance of the coast, and it so happened that on the extreme western coast the more desirable power sites were beyond that limit, but that did not in anyway seem to subtract from the available power of this country so as to make it difficult for us to enter upon this enterprise.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I am very glad I asked the question I did, because if it has developed the fact that 30,000 horsepower is sufficient for this purpose, I will look up some sites in New England and submit them to the Senate.

Mr. UNDERWOOD. Mr. President, if the Senator from South Carolina will allow me, I think there may be some confusion about the amount of horsepower. Of course, there are two different kinds of horsepower—primary horsepower and secondary horsepower. It is not difficult to find a high secondary horsepower, but a plant of this kind to be used by the Government every day in the year, and especially in time of war, would have to be established where the power was primary, and there are not so very many places where there is found primary power, which means, considering times when the flow of water is low, a steady power running every day in the year.

Mr. GALLINGER. Precisely; and if the Senator from South Carolina will permit me just one word, if the Government is going into this enterprise, the Government must establish a plant that will produce a sufficient quantity of the commodity for its needs. I apprehend we could produce a little on 30,000 horsepower, but it would not amount to much.

Mr. SMITH of South Carolina. Mr. President, I should like to call the attention of the Senator from New Hampshire to the fact that before introducing my bill I furnished to the department the data and had them incorporate in proper language the very object that I had in view. In making inquiry of them they were of opinion that it would not be wise, from an economical standpoint or from a strategical standpoint, to have merely one or two plants, but they thought that such plants should be located throughout the country where they would serve the best purposes both in time of peace and in time of war. For instance, it was indicated to us by one of the chief chemists—one of the chief scientists of this country—that the northeastern or the eastern part of our country, where a great volume of nitric acid is used in manufacturing processes and also where great munition factories happen to be located, would be one of the logical points to place one of these factories. Then, from the standpoint both of preparedness for war purposes and for agriculture, one should be located in the southeastern part of the country, and one in the western part for that developing section. You will find in the testimony that they covered this ground very exhaustively.

I wish now to call the attention of the Senate to the fact that one reason why we are so insistent that the question of fertilizers shall be considered in this connection is because it so happens that the very chemicals which are essential in the manufacture of modern explosives are the exact chemicals which are used in fertilizing the soil. It would seem absurd for us, in a democratic Government, to commit ourselves to the Government manufacturing its munitions of war, enlarging the required plants beyond the yield ordinarily necessary in order to provide for the exigencies of war, and then, from the very nature of the case, having produced surplus quantities of the very articles which the farmer needs, be estopped from furnishing him that which all of us are dependent upon. Mr. President, I take it that the army that stands in front of the musket and the cannon is only accidental, and the necessity for its activities is always to be deplored, and certainly we should not overlook the needs of that vast army which for 12 months in the year, with the armament of the hoe and the plow, have to fight every day in order that we may stay here and in order that we may have a Government at all. Underneath all lies the essential fundamental principle of a fertile soil to feed a progressive people. I take it, therefore, that the first consideration of this body should not be cannon, should not be the Navy, should not be munitions of war, but first and primarily our first object should be to provide for the commissary department, so that we may be independent of all other nations in this regard.

We investigated this question, and when I shall take the floor—which I propose to do before the bill now under consideration shall have been passed—I shall take occasion to call the attention of the Senate to the bill which the Agriculture Committee has reported without any other object in view than to provide for the very exigency that is now upon us. The bill reported by that committee provides what we believe is a practical beginning of the solution of this question. We believe that we have sufficient data in the hearings to warrant us in appropriating \$15,000,000, and as it is a permanent improvement, in providing for a bond issue, under acts already upon the statute books, for the liquidation of the indebtedness incurred. It is a permanent improvement that future generations will enjoy as much or more than we, and therefore we have provided for the liquidation of it.

We have also provided, by section 7, that the Government alone shall, without any association or any partnership with private corporations, do this work. We have ascertained as nearly as may be the amount of money necessary adequately to furnish these supplies.

The question may be asked what process do we propose to use? I think there is full scope in the bill for those who are charged with its execution and administration to select the one best adapted to the peculiar circumstances which exist in this country.

Now, I want to call the attention of the Senate to the fact that in the Southeastern States—what are known popularly as the "cotton States"—statistics can be furnished to show what the Senator from Alabama [Mr. UNDERWOOD], in part, showed, that practically 50 per cent of the gross proceeds of the entire cotton crop in most of the Southern States goes to settle the guano account. I do not believe there is a Senator here who

will be unwillingly, with this opportunity presenting itself now, in view of the fact that this is a new process not yet preempted by private capital and that the water power is in our hands, to have the Government enter at this time upon the work of preparing these commodities which will protect us in time of war and which will also help feed us in time of peace.

Mr. President, the Senator from Alabama has proposed an amendment providing for the appointment of a commission. To what source would that commission go to get its information? It would go to the identical source which we have already practically exhausted. In the meantime legislation is being passed that may cause others to preempt the water-power field. Legislation may be passed in the meantime that will obstruct the very object of this bill. So after due consideration we have provided what, in the opinion of experts, is a sufficient appropriation; we have provided for the means of obtaining that appropriation and have provided that the Government shall take over and designate the power sites and immediately enter upon the construction of the necessary plants by such process as, in their judgment, is best and most available. So that in the consideration of any scheme of preparedness the bill which the Agricultural Committee has submitted to this body, in my judgment, is a wise and proper thing for us to address ourselves to.

Mr. CHAMBERLAIN. Mr. President, I desire to ask unanimous consent of the Senate to have the House bill and the Senate bill printed in parallel columns for the use of the Senate. Probably 250 copies will be sufficient.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the order is made.

The order was reduced to writing and agreed to (S. Doc. No. 379), as follows:

*Ordered*, That there be printed as a Senate document, in parallel columns, a comparative print of the bill (H. R. 12766) "to increase the efficiency of the Military Establishment of the United States," showing the bill as passed by the House, and the bill (S. 4840) "for making further and more effectual provision for the national defense, and for other purposes," as reported to the Senate.

Mr. CHAMBERLAIN. Mr. President, in reference to the investigation of the subject, which was so ably discussed by the Senator from Alabama [Mr. UNDERWOOD], I desire to say to the Senate that it was not considered at any length by the Military Affairs Committee. We understood—and I particularly understood—that the matter was being investigated fully by the Agricultural Committee, that hearings were being had, and that that committee intended to report a bill which would cover the whole subject. As my colleague on the committee, the Senator from Wyoming [Mr. WARREN] has said, there were no members of our committee who were acquainted with the subject at all; and inasmuch as it was being investigated by another committee, and the Military Affairs Committee thought that that committee would report out a bill about the time that the preparedness bill came up for consideration, we understood the committee would submit a report which would enable the Senate to vote intelligently upon the whole subject, and the Committee on Military Affairs did not deem it advisable to consider the question at length.

I will also say for the committee that after Senate bill 4840, the military bill, had been reported and after the House had voted down a provision in the House bill bearing upon this subject, the distinguished Senator from Alabama submitted to me, as chairman of the committee, the resolution which he has now offered as an amendment; and I promised him then that during the consideration of the pending bill we would be very glad to have him appear before the committee and make a statement. That promise has not been redeemed, but will be; so that the committee is entirely free to act upon it in any way it may see fit; and the committee will be glad to hear from the Senator on this very subject, and his amendment may be considered either as a committee amendment or otherwise and action taken upon it.

Mr. SMITH of South Carolina. May I say to the Senator from Oregon that it has been suggested to members of the Agricultural Committee that the bill reported by that committee, which is very short and, I think, very comprehensive, be offered as an amendment to the pending bill—

Mr. CHAMBERLAIN. At the proper time.

Mr. SMITH of South Carolina. At the proper time; and that course may be adopted. Of course it depends upon some contingencies, which perhaps may or may not arise; but I thought it only fair that I should notify the Senator now of that fact. I believe I discussed it somewhat with him previously.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, I did not introduce my amendment until after the amendment to the House bill had been defeated, for the obvious reason that it would not have been necessary if the amendment had been carried in the House. I did ask the Senator from Oregon for a hearing, and he promised me that during the consideration

of this bill I would have an opportunity to be heard. I have presented the case as I understand it before the Senate, and I should like to take advantage of the opportunity offered by him at such time as he finds it convenient for his committee to meet and have me appear before it.

Mr. CHAMBERLAIN. The committee will be glad to have the Senator come in, as I told the Senator a day or two ago.

Now, I desire to submit a few committee amendments to the bill. They are very short, and I think they can be easily disposed of.

The VICE PRESIDENT. The Secretary will state the amendments.

The SECRETARY. The first amendment is, on page 106, in line 13, at the end of the line, after the word "for" and before the period, to insert the following:

*Provided, That the total enlisted force of the line of the Regular Army, including the Philippine Scouts, but excluding the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 180,000.*

Mr. CHAMBERLAIN. The purpose of that amendment is to fix the maximum strength of the Army in time of peace.

Mr. VARDAMAN. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. VARDAMAN. I wish to ask the chairman of the committee, the Senator from Oregon, whether, after the Senate shall finish the consideration of the Senate bill, it will then be offered as a substitute for the House bill? What I desire to know is will the Senate be given an opportunity to choose between the Senate bill after it shall be perfected and offered as the committee substitute and the House bill as it came from the House?

Mr. CHAMBERLAIN. Yes; I hoped that might be done.

Mr. SMOOT. It will have to be done.

Mr. VARDAMAN. That, I understand, is the attitude? The Senator is now offering amendments to the committee substitute?

Mr. CHAMBERLAIN. Yes, sir.

Mr. VARDAMAN. Then the question will recur on the adoption of the committee substitute for the House bill?

Mr. CHAMBERLAIN. After the amendments have been determined upon.

Mr. VARDAMAN. After the amendments are adopted to the committee bill?

Mr. CHAMBERLAIN. Yes, sir.

Mr. WADSWORTH. Mr. President, will the Senator from Oregon give me the benefit of his advice on what might turn out to be a parliamentary point at a later time? As I understand the amendment which has just been offered in behalf of the committee, the Regular Army of the United States, exclusive of those branches of the service specifically mentioned in the amendment, shall not at any time, except in case of war, exceed the number of 180,000.

Mr. CHAMBERLAIN. Yes, sir.

Mr. WADSWORTH. It has been my intention, at a later time during the consideration of this bill, to offer amendments affecting the peace strength of the Cavalry and Field Artillery branches, the effect of which would be to increase them over the terms proposed in the bill; and that, of course, would conflict with the amendment which has now been proposed by the committee, if the amendment which I shall offer to the composition of the Cavalry units and the composition of the Field Artillery units should be adopted.

Mr. CHAMBERLAIN. It would, I think, as a parliamentary proposition.

Mr. WADSWORTH. With the acceptance by the Senate of this amendment, limiting the Regular Army to 180,000—

Mr. CHAMBERLAIN. In time of peace.

Mr. WADSWORTH. In time of peace, would my amendment be in order later on?

Mr. CHAMBERLAIN. The Senator would have to appeal to the Chair on that question.

Mr. SMITH of Georgia. It would not be if the total would increase the force beyond 180,000. If we adopt an amendment limiting the force to 180,000, I take it for granted that no subsequent amendment could increase the number unless we reconsidered the action upon this amendment.

Mr. DU PONT. Mr. President, I wish to state that I have never heard of this amendment before.

Mr. WADSWORTH. Mr. President, this is a very serious matter. If the acceptance of this amendment is going to tie the

hands of the Senate with respect to the increase of the Regular Army over the figures fixed in this bill as at present before the Senate, it will become a very grave question whether any branch of the Army may be increased by the Senate's own vote as the result of an amendment being offered upon the floor during the debate.

Mr. DU PONT. Mr. President—

The VICE PRESIDENT. In the opinion of the Chair, this is not a parliamentary question at all. If the amendment should be adopted now, limiting the maximum strength of the peace footing of the Regular Army to 180,000, and subsequently additional amendments should be adopted by the Senate increasing various branches of the service, it would simply be a question for the War Department to determine what on earth it was going to do with the bill. It is not a parliamentary question at all.

Mr. DU PONT. Mr. President, I should like to ask the chairman of the Military Affairs Committee if this is a committee amendment? I never heard of it before.

Mr. CHAMBERLAIN. I will say to the Senator that it was not adopted in the full committee.

Mr. DU PONT. I never heard of it before.

Mr. CHAMBERLAIN. It was discussed by members of the committee.

Mr. DU PONT. Does the chairman think this is the appropriate moment to bring it forward, before the bill is discussed?

Mr. CHAMBERLAIN. If the Senator objects, I will refer it back to the committee.

Mr. SMITH of Georgia. Mr. President, I suggest that the chairman of the committee let this amendment go over for the present.

Mr. CHAMBERLAIN. I am perfectly willing to let it go over.

Mr. OVERMAN. The committee substitute ought to be perfected before we vote on it.

Mr. SMITH of Georgia. Will not the chairman of the committee let us know what they are, at any rate, now?

Mr. CHAMBERLAIN. I have sent them up to the desk, and I shall be glad to have the Secretary read them all.

The SECRETARY. On page 124, in line 13, after the letter "a," it is proposed to strike out the words "further detail" and insert "reappointment," so that, if amended, it will read:

*Provided, That no officer shall be eligible to a reappointment as chief of an arm, corps, department, or bureau until he has served two years with the branch of the Army in which commissioned.*

The amendment to the amendment was agreed to.

The SECRETARY. On page 133, line 12, after the word "seventy-five," at the end of the line, it is proposed to insert:

*Provided further, That so much of the act approved January 25, 1907, as provides that the Chief of Coast Artillery shall be a member of the General Staff Corps is hereby repealed.*

Mr. SMOOT. Mr. President, I ask the Senator to allow that to go over, as I have an amendment to offer on the paragraph just above, where the Senator asks that this amendment be put in.

Mr. CHAMBERLAIN. I have no objection to that.

The VICE PRESIDENT. The amendment will be passed over.

The SECRETARY. On page 142, in line 20, after the word "Engineers," the second word in the line, and after the comma, it is proposed to insert:

*Supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers.*

Mr. CHAMBERLAIN. There are a number of amendments. All of the next two or three amendments are practically to the same effect, and are to restore these men to the same pay they are receiving under the law as it is now.

The amendment to the amendment was agreed to.

The SECRETARY. On page 142, lines 20 and 21, it is proposed to strike out "and Cavalry, Artillery, and Corps of Engineers" and insert "Cavalry and Artillery."

The amendment to the amendment was agreed to.

The SECRETARY. On page 142, line 22, it is proposed to strike out the comma after the word "Cavalry," and insert the word "and."

The amendment to the amendment was agreed to.

The SECRETARY. In the same line, on the same page, after the word "Artillery," it is proposed to strike out the comma and the words "and Corps of Engineers."

The amendment to the amendment was agreed to.

The SECRETARY. On page 142, line 25, it is proposed to strike out the comma after the word "Infantry" and insert the word "and," so that it will read "Infantry and Cavalry"; and in the same line, on the same page, after the word "Cavalry," it is

proposed to strike out the comma and the words "and Corps of Engineers."

The amendment to the amendment was agreed to.

The SECRETARY. On page 161, line 2, after the word "only," the last word in the line, it is proposed to insert:

*Provided*, That without the consent of Congress such Volunteer force shall not be called out for field service for more than a total period exceeding 30 days in any one year.

Mr. CHAMBERLAIN. I will say, with reference to that amendment, that the question was raised here yesterday as to whether or not the President could call out the Volunteer Army in full force in time of peace without any limitation, for a year if he saw fit to do so. This is to limit the power of the President over the Volunteer Army, except during the time covered by these training periods of 30 days in a year.

Mr. CUMMINS. Mr. President, there will be an amendment offered proposing to strike out the entire section; and I am not enough of a parliamentarian to know whether the adoption of this amendment will affect such an amendment or not.

The VICE PRESIDENT. That will not affect it. If there is to be a motion to strike out the entire section, the adoption of the amendment will not affect the motion to strike it out.

Mr. SMITH of Georgia. Mr. President, what section is it?

The VICE PRESIDENT. Section 56.

The amendment to the amendment was agreed to.

The SECRETARY. On page 161, in line 16, after the word "into," the second word in the line, it is proposed to strike out the word "two" and to insert the word "three," so that, if amended, it will read:

And shall be divided into three classes, the National Guard and the unorganized militia.

Mr. CHAMBERLAIN. The purpose of that amendment is this: The bill as it is written seems to legislate out of existence the Naval Militia, and it might be that the law would be so construed. There was no purpose on the part of the committee to abolish the Naval Militia. This simply continues the present arrangement.

Mr. SMOOT. I will say to the Senator that I intend to offer a substitute for section 57, but adopting this will not interfere with that.

The amendment to the amendment was agreed to.

The SECRETARY. In the same line, on the same page, after the words "National Guard," it is proposed to insert a comma and the words "the Naval Militia."

Mr. CHAMBERLAIN. That has the same object in view.

The amendment to the amendment was agreed to.

The SECRETARY. Also, on page 161, line 21, after the word "equipped," it is proposed to insert "as a land force," so that, if amended, it will read:

The National Guard shall consist of the regularly enlisted militia, between the ages of 16 and 45 years, organized, armed, and equipped as a land force.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. That is for the same purpose—to protect the Naval Militia.

The SECRETARY. On page 161, in line 24, after the word "militia," the third word in the line, it is proposed to insert a comma and the words "except the Naval Militia."

The amendment to the amendment was agreed to.

Mr. HARDWICK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. HARDWICK. Are we proceeding now with general amendments or just committee amendments?

The VICE PRESIDENT. Committee amendments.

Mr. HARDWICK. Other amendments will be in order after we have finished the committee amendments?

The VICE PRESIDENT. After we have finished the committee amendments.

The SECRETARY. On page 169, line 8, after the word "Militia," it is proposed to insert a comma and the words "except the Naval Militia."

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. That has the same purpose. I desire to say to the Senate that there are no substantial changes. The changes that have been made are principally of form rather than of substance.

The SECRETARY. On page 174, in line 11, after the word "engineer" and the comma, it is proposed to insert "Coast Artillery."

The amendment to the amendment was agreed to.

The SECRETARY. On page 185, in line 9, after the word "militia," it is proposed to insert a comma and the words "except the Naval Militia."

The amendment to the amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I understand, from the amendment that went in before this, that the Naval Militia is not a part of the National Guard.

Mr. CHAMBERLAIN. No; it is not a part of the National Guard as at present organized. There is a separate Naval Militia act, and we want to except that from this provision, so as not to abolish it.

Mr. BRANDEGEE. I mean when this bill goes into effect the Naval Militia will not be a part of what is known as the National Guard?

Mr. CHAMBERLAIN. No, sir.

Mr. BRANDEGEE. I was not quite clear in my mind whether the Senator was correctly accomplishing what he had in mind, but I assume that he knows his business better than I do.

Mr. CUMMINS. Mr. President, I desire to suggest to the Senator from Oregon that the word "militia," in line 9, page 185, ought to be stricken out and the words "National Guard" inserted.

Mr. CHAMBERLAIN. It might be done in that way.

Mr. CUMMINS. And the same in the heading of the section. I think if those things could be done, and the word "active" put in before "service," in line 10, it would express the situation much better.

Mr. CHAMBERLAIN. I want to call the Senator's attention to section 57, which provides that—

The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have declared their intention to become citizens of the United States who are more than 16 years of age and not more than 45 years of age, and shall be divided into three classes.

Now, it provides for the National Guard and the unorganized militia.

Mr. CUMMINS. But, of course, the word "militia," in the two lines I have mentioned, does not refer to the unorganized militia, I assume.

Mr. CHAMBERLAIN. Without going over the bill generally covering this subject, I do not know just what effect it might have.

Mr. CUMMINS. However, I simply desire to call it to the attention of the Senator from Oregon, because I shall offer amendments on those points when the time comes.

Mr. DU PONT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Delaware will state it.

Mr. DU PONT. I should like to ask whether the first amendment offered by the chairman of the Military Affairs Committee, in reference to the maximum size of the Regular Army in time of peace, has been acted upon?

The VICE PRESIDENT. No; that amendment has been passed over.

The SECRETARY. The committee also offers one other amendment—on page 196, the last page of the bill, in line 14, after the words "land force" and the comma, to insert, "and not to the Naval Militia, which shall consist of such part of the militia as may be prescribed by the President for each State, Territory, or District," so that, if amended, it will read:

The provisions of this act in respect to the militia shall be applicable only to the militia organized as a land force, and not to the Naval Militia, which shall consist of such part of the militia as may be prescribed by the President for each State, Territory, or District, and shall take effect on July 1, 1916.

Mr. CHAMBERLAIN. That preserves the Naval Militia under the law as it is at present organized, Mr. President.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. Those are all the amendments the committee desires to offer at this time.

Mr. BRANDEGEE. Mr. President, will the Senator from Oregon allow me to ask him a question?

Mr. CHAMBERLAIN. Certainly.

Mr. BRANDEGEE. I think he answered it yesterday, but I have forgotten the answer. Somebody inquired of the Senator what the number of the Philippine Scouts was—how large a force.

Mr. CHAMBERLAIN. A little over 5,000 men. I can give the Senator the exact number.

Mr. BRANDEGEE. That is near enough for my purpose. I noticed that the amendment which the Senator proposed this afternoon, and which has been passed over temporarily, provided that the total number of men provided for under this bill in times of peace should not exceed 180,000, including the Philippine Scouts.

Mr. CHAMBERLAIN. They have always been counted as a part of the enlisted strength of the line of the Army.

Mr. BRANDEGEE. Yes; I assume that is true. I wanted to ask the Senator this question, then: Are the Philippine Scouts, under the law which organized that body, subject to be

ordered to this country to do military duty or to be sent to foreign countries?

Mr. CHAMBERLAIN. I will say to the Senator that I have never taken occasion to look into that. I really do not know.

Mr. BRANDEGEE. The object of my inquiry was simply this: The number of men provided for by this bill is, in my opinion, not at all excessive; and personally I should like to see the regular standing army in time of peace not less than 250,000 men. Now, the number of 5,000 men is quite a percentage of 180,000 men; and unless the law is so that the Philippine Scouts can be ordered to this country, or that a similar number of men could be added to the number authorized by this bill in case the Philippine Scouts should be disbanded by reason of our losing control of the Philippines, or otherwise, I should hope the Senator would lay that matter before the committee again, as to whether the Philippine Scouts ought to be included in determining the size of our Army.

Mr. DU PONT. Mr. President, I should like to call the attention of the Senator from Connecticut to the fact that while the Philippine Scouts to-day consist of 5,733 men, the law authorizes the enlistment of 10,000 men, so that they have never been recruited to the limit authorized by law. Therefore, should this limit be reached and you include them in the Regular Army, you reduce the total to a much lower figure than that at which we were given to understand it was to be fixed.

I do not approve of the amendment limiting it to 180,000 men, unless you exclude the Philippine Scouts. I will say that this amendment never has been discussed in the committee, and my attention has never been called to it, although I have been here all the time. I think it is a very important proposition.

Mr. CHAMBERLAIN. The Senator is correct about that. It has not been discussed behind the committee doors. It has, however, been discussed among members of the committee, as these amendments are usually considered when a bill is being acted upon by the Senate.

Mr. BRANDEGEE. Mr. President, in view of what the Senator from Delaware says, I call the attention of the chairman of the committee to the fact that there would seem to be some ambiguity, possibly, in the language of the amendment which he has proposed.

Mr. CHAMBERLAIN. I will say to the Senator that that amendment has been passed over for this evening, anyhow, and we can discuss that point later.

Mr. BRANDEGEE. I know it has been passed over; but I was simply going to suggest to the mind of the Senator now, as being a convenient time, whether the language that he has used, "including the Philippine Scouts," would include the Philippine Scouts as they are now organized, under the present number existing, or whether it would include the whole 10,000 authorized.

Mr. CHAMBERLAIN. It is true that if the President authorized the enlistment of natives of the Philippine Islands to the total number fixed by law, 12,000, it would reduce the total strength of other forces included in the 180,000.

Mr. OVERMAN. Mr. President, I should like to ask the Senator what is the maximum limit fixed in the bill? In the amendment it is fixed at 180,000. The maximum fixed in the bill is 240,000, I believe.

Mr. CHAMBERLAIN. Two hundred and fifty thousand.

Mr. OVERMAN. Suppose the amendment is adopted fixing it at 180,000, what will be the total amount of money to be appropriated by this Congress to meet that increase?

Mr. CHAMBERLAIN. I gave that information to the Senator yesterday, based on an estimate of the minimum strength.

Mr. OVERMAN. I thought it was the maximum—240,000.

Mr. CHAMBERLAIN. The Senator is speaking of the House provision, which provides for 140,000.

Mr. OVERMAN. That is the House provision; yes; I want to know how much money we will have to appropriate now, if the maximum is 180,000, including everything—not only the pay of the officers, but the equipment of the officers, and the guns, and everything we will have to furnish. What will be the total appropriation we will have to make in this bill if the maximum is 180,000?

Mr. WARREN. We only provide for the addition of the first increment of one-fifth in the coming immediate appropriation.

Mr. OVERMAN. The appropriation bill always appropriates for quarters and all that.

Mr. WARREN. I know it; but this increase of the Army is to come in one, two, three, four, and five years.

Mr. OVERMAN. I understand that; but we will have to appropriate for the first year an additional amount.

Mr. WARREN. For the first increment only.

Mr. OVERMAN. For the first increment.

Mr. WARREN. Yes.

Mr. OVERMAN. I do not see any estimate of what that would cost—the clothing, the guns, the machine guns, and all that. It is not included in this. We have got to appropriate for all of this if we increase the Army to 180,000; and I should like to know just about what the total amount is that this Congress will have to appropriate, including the first increment, the men, and the equipment.

Mr. WARREN. The Senator does not mean that we are to appropriate in the coming bill for 180,000 men?

Mr. OVERMAN. We are going to provide for 180,000 men.

Mr. WARREN. I know we are, but they will only be taken into the Army four or five years from now.

Mr. OVERMAN. That is the limit, the maximum.

Mr. WARREN. Some will come in within one year.

Mr. OVERMAN. What I want to know is, what it will cost this year.

Mr. CHAMBERLAIN. I will give that information to the Senator.

Mr. OVERMAN. The Senator probably has it there. It is approximately at the rate of \$1,000 a man.

Mr. CHAMBERLAIN. For the first year—

Mr. NELSON. Mr. President, I should like to state—

Mr. CHAMBERLAIN. Let me answer the Senator's question. The enlisted strength of 180,000 is divided into five increments—

Mr. WARREN. The House bill had a division of four increments.

Mr. CHAMBERLAIN. Yes; we have five. It will cost approximately, as shown in Table X of Senate Report 263, the first year \$126,000,000; the second year, \$138,000,000; the third year, \$151,000,000; the fourth year, \$167,000,000; the fifth year, \$182,000,000; and annually thereafter about \$177,000,000. That covers the Quartermaster Department, the current cost, the new equipment, and the heavy artillery in the Ordnance Department.

Mr. OVERMAN. And the pay of the enlisted men?

Mr. CHAMBERLAIN. Yes. In the Engineer Department it covers the current cost and the new equipment; in the Signal Corps, current cost and new equipment; and the Medical Department.

Mr. WARREN. So it not only covers the equipment but it covers also the housing of the men.

Mr. CHAMBERLAIN. Yes, sir; practically everything.

Mr. WARREN. Every possible expense that can be contemplated or estimated beforehand is covered in the figures that the Senator has given.

Mr. OVERMAN. Will the Senator please state on what page that is?

Mr. CHAMBERLAIN. On page 24 of the report of the committee.

Mr. OVERMAN. The cost of the Regular Army. That includes everything?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NELSON. Mr. President, I should like to ascertain—I am not clear in my mind yet—what would be the peace strength of the Army under the Senate bill?

Mr. CHAMBERLAIN. The minimum strength under the Senate committee amendment is 194,586, which includes the Quartermaster Corps, the Hospital Corps, the unassigned recruits, and the Philippine Scouts.

Mr. NELSON. That would be the number of the Army after the first year.

Mr. CHAMBERLAIN. It would be one-fifth of the proposed increase after the first year.

Mr. NELSON. The ultimate increase of the peace strength will only be reached in the fifth year?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NELSON. What is the aggregate of the increased peace strength?

Mr. CHAMBERLAIN. Under the proposed amendment, 180,000 men.

Mr. NELSON. And what will be the war strength when full?

Mr. CHAMBERLAIN. Two hundred and fifty thousand.

Mr. NELSON. Instead of making the complete war strength in one year, it takes five years?

Mr. CHAMBERLAIN. Not the war strength; the peace strength.

Mr. BRANDEGEE. So at the end of the first year in time of peace there will be added to the present strength of the Army only 16,000?

Mr. CHAMBERLAIN. That is all.

Mr. BRANDEGEE. Sixteen thousand in time of peace, until at the end of five years the maximum in time of peace can not exceed 180,000?

Mr. CHAMBERLAIN. If that amendment goes through.

Mr. DU PONT. I hope the Senator will change it is as to make it exclusive instead of inclusive of the Philippine Scouts.

Mr. CHAMBERLAIN. The amendment has been passed over.

Mr. SMITH of Georgia. The Senator said the increase is only 16,000 the first year. Is that in addition to the increase of 20,000 in the regular force by the recent act?

Mr. CHAMBERLAIN. No; those are being absorbed in the general Army scheme.

Mr. SMITH of Georgia. Then the 20,000 that we have increased the Army covers all for the first year and 4,000 in excess.

Mr. CHAMBERLAIN. The increase to the maximum strength under existing law is only temporary.

Mr. WARREN. I think this matter of construing the law could well be reached if you add the 20,000 men authorized the other day to the present Army strength and deduct that total from the proposed strength and then divide that remaining total into five parts, to show each year's increase.

Mr. SMITH of Georgia. Why delay an increase in the Regular Army? If we need a Regular Army, why not begin to increase it right now?

Mr. WARREN. That is a matter for consideration, of course. It has been proposed.

Mr. SMITH of Georgia. I hope by the end of five years we can lessen the size of the Army.

Mr. WARREN. It is proposed by the General Staff that we shall make the increase in four or five increments. The House saw fit to make the total Army number smaller, but the increment in each of the four years would be about the same each year as in the Senate bill.

In reference to the inquiry of the Senator from Connecticut about the Philippine Scouts, we must not make any calculations upon using those elsewhere than in the Philippines. Without quoting any law about the matter, the formation is entirely local and is intended only for local use.

Mr. SMITH of Georgia. That ought to be passed on entirely by itself and not be made a part of this measure.

Mr. BRANDEGEE. That is the idea I had in mind. I thought they were a special force and were hardly to be considered as a part of the Regular Army. They are only adapted to use in that country as a constabulary.

Mr. DU PONT. They could not be utilized anywhere else, and, in my judgment, they ought to be excluded from all consideration in reference to the Regular Army.

Mr. BRANDEGEE. I simply wanted the Senator's opinion.

Mr. DU PONT. Further, the Philippines are likely to be cast adrift, and the scouts would have to go in that event.

Mr. CHAMBERLAIN. Mr. President, I want to say to the Senator from Georgia one way by which Congress has been able to keep the force down is by not making the appropriation. The officers of the Army can not enlist up to the authorized strength because they do not have the money to pay them, and as the enlistments expire the men go out of service.

Mr. BRANDEGEE. I simply wanted the Senator's opinion as to whether the 180,000 maximum included the Philippine Scouts, so as to know how many would be deducted from effective use in this country in the event we should have war with another country by reason of the language of the Senator's amendment. In other words, if the Senator thinks a real effective Army, if we get into trouble with another country or in time of peace, should be 180,000 men, ought we not to say not including the Philippine Scouts? If the Philippine Scouts are 5,000 men, we ought to say that the maximum, including them, should be 185,000.

Mr. CHAMBERLAIN. We utilize the Philippine Scouts over there; they are a part of the regular force; but I do not think they would be available anywhere else.

Mr. BRANDEGEE. It all depends on the judgment of Senators as to the amount of Army they want to be ready to utilize here. If the Senator thinks 175,000 would be enough over here, I have no quarrel with him about it.

Mr. CHAMBERLAIN. I may say here that so far as I am individually concerned I do not think that an Army of 180,000 men is large enough, but we can not each have what we want, and the committee felt that somewhere about that number was as much as the sentiment of the country and of Congress would warrant.

Mr. BRANDEGEE. The Senator might feel optimistic some day, and if he really thinks or if the committee thinks that the Senate or the country would stand for five or ten thousand more than he thought day before yesterday, it would not be a great calamity if he would offer an amendment then to add 10,000 more, even if it was voted down.

Mr. CHAMBERLAIN. The committee will give the subject further consideration.

Mr. VARDAMAN. Mr. President, I should like to ask the chairman of the committee a question, if I may. Has an estimate been made by the department as to the probable cost of maintaining an army of the size provided for in this bill?

Mr. CHAMBERLAIN. I have just read that. I will say to the Senator, if he will refer to the report of the committee on this bill he will find an estimate covering the cost. The Senator speaks about the Regular Establishment?

Mr. VARDAMAN. Yes; the maximum.

Mr. CHAMBERLAIN. On page 24 of the report the Senator will find a table giving the estimate made by the War Department.

Mr. CUMMINS. Mr. President, I offer the following amendment—

Mr. SUTHERLAND. Will the Senator from Iowa permit me to ask the chairman of the committee a question before we take up his amendment?

Mr. CUMMINS. I have no objection to the Senator asking the question.

Mr. SUTHERLAND. It may be two or three questions. I have been seeking an opportunity here during the small talk which has been going on. I want to ask the chairman of the committee about section 22, which deals with the Coast Artillery Corps. What increase does the bill make in the personnel of the Coast Artillery?

Mr. CHAMBERLAIN. What was the Senator's question?

Mr. SUTHERLAND. I was directing the Senator's attention to section 22, and I asked him what increase that makes in the personnel of the Coast Artillery Corps.

Mr. CHAMBERLAIN. The present enlisted strength of the Coast Artillery is 19,321.

Mr. SUTHERLAND. Is that the paper strength or the available strength?

Mr. CHAMBERLAIN. That is the authorized strength.

Mr. SUTHERLAND. The actual available strength?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SUTHERLAND. My information was that it was about 2,000 less than that.

Mr. CHAMBERLAIN. I am speaking of the authorized strength. The numbers vary a little all the time.

Mr. SUTHERLAND. What increase does the bill propose in that corps?

Mr. CHAMBERLAIN. To a minimum strength of 24,897.

Mr. SUTHERLAND. An increase of about 5,000?

Mr. CHAMBERLAIN. Of 5,576.

Mr. LEWIS. May I be permitted to say to both Senators that I have had occasion lately to investigate the matter, and I fear the report is that 17,250 or 17,275 is the number of the Coast Artillery. Am I in error as to that?

Mr. CHAMBERLAIN. Usually the enlisted personnel is limited by the appropriation. Of course in getting at these estimates the committee has had to take some fixed and definite estimate, both as to amount and as to men. The figure I refer to is the authorized strength. Perhaps the Senator has a report as to the actual strength.

Mr. LEWIS. I will say to the Senator I have no report, but being anxious about the matter I have a letter from those who assumed to report the matter to me for my personal information, sought by me connected with other matters. I have no official report from the officers of our Government.

Mr. SUTHERLAND. The statement made by the Senator from Illinois agrees with my own information that there are to-day only a little over 17,000 in the Coast Artillery.

Mr. CHAMBERLAIN. The 19,321 I speak of is the authorized strength of the Coast Artillery.

Mr. SUTHERLAND. And this bill will bring the authorized strength up to 24,000?

Mr. CHAMBERLAIN. To 24,897.

Mr. SUTHERLAND. That would be the minimum or maximum strength?

Mr. CHAMBERLAIN. It is the minimum strength.

Mr. SUTHERLAND. And the President is authorized by this section to increase that?

Mr. CHAMBERLAIN. To a total enlisted strength of 30,000.

Mr. SUTHERLAND. For example, the increase would be 12,562 privates authorized by this bill, and the President is authorized to increase that to 15,675, which would be an increase of about 3,000.

Mr. WARREN. Mr. President, in the Artillery a very large proportion of enlisted men are not quoted as privates. There are privates of the first class and privates and then various definitions are given to the more skilled force of enlisted men, so the privates are not in the same proportion to the enlisted men as in the other branches of the Army. It is more as it is

in the Navy. You have to take the entire list of the enlisted force in order to know just what the increase is.

Mr. SUTHERLAND. It would seem to me from a hasty consideration of the provision that the authorized increase would be less than the Senator has stated. However—

Mr. CHAMBERLAIN. Let me say to the Senator that the proposed increase that I have called to his attention, 24,897, is on the proposed minimum strength. The war strength would be 30,009.

Mr. SUTHERLAND. I, of course, defer to the better information and the far better judgment of the chairman of the committee upon the matter, but my information is that if we increase the Artillery Corps to this minimum strength we shall then fall far short of enough men to man the fortifications in this country; that is, we shall fall short of having men enough to man the fortifications to the extent of one-half. If that be true, it seems to me that would be unfortunate, because as it occurs to me the Coast Artillery is a very important portion of our forces.

Mr. CHAMBERLAIN. I will say to the Senator, in reply, that you can get just as many different opinions on this subject as you can get men to talk with you upon the subject. This number is satisfactory to the Chief of the Coast Artillery, Gen. Weaver.

Mr. SUTHERLAND. That is, the minimum number?

Mr. CHAMBERLAIN. Yes, sir. I will ask to have inserted in the Record a statement from Gen. Weaver with reference to the Coast Artillery. His view may not be in line with the views of some of the other men in his branch of the service, but in most of these estimates—and we have given as much as they asked—we have been governed largely by the advice of the men who are at the head of these several corps.

Mr. WARREN. Will the chairman state that there is also reliance to be placed upon the Artillery Corps, militia, or National Guard?

Mr. CHAMBERLAIN. Surely.

Mr. WARREN. Which is, of course, organized and located near these fortified points.

Mr. CHAMBERLAIN. That is in addition.

Mr. SUTHERLAND. They are in the nature of reserves?

Mr. CHAMBERLAIN. No; they work right with them. The Naval Militia and the Coast Artillery companies in the States train with the Regular Coast Artillery at certain seasons of the year.

Mr. SUTHERLAND. It seems to me it is the most important branch of our land forces.

Mr. CHAMBERLAIN. I will ask the Secretary to read this statement from Gen. Weaver.

Mr. SUTHERLAND. Let me first complete my statement. The Navy is our first line. It seems to me that it ought to be full and complete. If we are going to slight the Military Establishment in any particular, it ought not to be the Navy, and second in importance to that, in my mind, is the Coast Artillery. If we are going to take care of the Navy and are going to slight any other branches of the service, it ought not to be the Coast Artillery.

Mr. CHAMBERLAIN. I think the Senator will find that there is a very great difference of opinion among Army officers. The Coast Artillery is simply a harbor defense, and some of the officers will even go so far as to insist that it is sometimes a source of weakness, as it requires a mobile army to come to its defense in some cases where a landing has been made. I am simply stating that there is a diversity of opinion on that subject.

Mr. SUTHERLAND. Every man in the Artillery Corps is probably better qualified to render service in the Infantry and to operate machine guns than any other man in the service, except a man trained specially to handle machine guns.

Mr. CHAMBERLAIN. I should like to have the Senator read the testimony of one or two witnesses before the committee where they state the number of men who would be required to defend the coast defenses in the northeast part of this country. I do not pretend to know, but we rely on expert testimony in reference to this subject. There is a difference of opinion among men in the Army as to the particular branch which ought to be increased. In any event, the statement of Gen. Weaver will show that the proposal of the Senate committee meets with his approbation.

Mr. SUTHERLAND. I should be very glad to hear it read.

Mr. CHAMBERLAIN. I ask to have it read.

Mr. DU PONT. Before it is read I should like to say to the Senator from Utah that I think all military men agree that while the Coast Artillery is of great importance for the defense of special points and special cities it is not the most important factor of our system of defense on land. The presence of a

mobile army is next to the Navy the great factor of national defense. The Artillery defends a few isolated, separated points near which great cities are situated. The enemy could land at a hundred other points and there should be a mobile army to meet them.

Mr. SUTHERLAND. Let me ask the Senator why we build fortifications?

Mr. DU PONT. To prevent our Artillery from being at the mercy of a few ships of war.

Mr. SUTHERLAND. The fortifications are useful or else we would not build them.

Mr. DU PONT. Certainly.

Mr. SUTHERLAND. Are the fortifications of any use unless they are manned?

Mr. DU PONT. No; they should be manned; but the rank in importance is simply this: First in importance, considering the whole scheme of defense, is the Navy, and, in my opinion, the mobile army is the second.

Mr. SUTHERLAND. Then the Senator from Delaware does not agree with the officer who was quoted by the chairman of the committee a moment ago—

Mr. DU PONT. That may be, but—

Mr. SUTHERLAND. Let me finish my question. I say the Senator evidently does not agree with the statement that was made a moment ago that the Coast Artillery is rather a source of weakness than otherwise?

Mr. DU PONT. No; I do not agree with that at all.

Mr. SUTHERLAND. They are a source of strength.

Mr. DU PONT. A source of strength.

Mr. SUTHERLAND. It seems to me that if coast fortifications are necessary and useful, it is of the highest importance that they should be sufficiently manned.

Mr. DU PONT. I will repeat the remark I made a few moments ago, that while the Coast Artillery is of the utmost importance in the special localities which it defends, and should be kept at those places in a state of efficiency and ready for all emergencies, still, in the general problem of national defense, I consider it secondary to the mobile army, which is the first factor. That is not my opinion alone, but is the general consensus of the opinions of military men, as the Senator will perceive if he will read the testimony which was taken before the Senate committee.

Mr. NELSON. Mr. President, I should like to ask the chairman of the Committee on Military Affairs a question or two for information.

Mr. SUTHERLAND. May we not first have this paper read, I will ask the Senator from Minnesota?

Mr. NELSON. Yes, sir.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

#### NEED FOR 93 ADDITIONAL COMPANIES OF COAST ARTILLERY.

The Coast Artillery Corps at present comprises 170 companies. This number is 93 companies short of the number required to man one-half the armament now provided. If war should be declared to-morrow there are coast fortifications which have been provided and installed at the expense of \$41,000,000 (530 heavy guns and one hundred and twenty-eight 12-inch mortars), which could not be used, because Congress has not provided the manning bodies for them.

The existing armament is inadequate. The War Department has recommended that large additions be made thereto during the next four years. The fortification bill to be reported this year will carry large sums for additional seacoast armament. The inconsistency on the part of Congress of appropriating for additional seacoast armament and at the same time failing to provide trained personnel for half the armament already provided is obvious.

The long-established policy of the War Department contemplates that the regular Coast Artillery personnel should be sufficient to man the fortifications in the insular possessions and one-half the fortifications in the United States. This policy has been repeatedly recommended by the General Staff and by the War Department. It may be said that no responsible military agency cognizant of all the appurtenant facts has come to any conclusion other than that the strength of the Coast Artillery called for in this policy is the minimum that should be provided in the interests of national security. Ninety-three additional companies of Coast Artillery, the number called for under the Senate bill, is the number needed to carry out this policy.

Coast fortifications form, with the Navy, our first line of defense. Unless they are efficient an enemy, without setting foot on our shores, can destroy our seacoast cities. If the Navy be strong enough to control the sea, an enemy can not invade our country, but he can and will attack our seacoast cities by naval fire unless they are adequately protected by seacoast fortifications. The duties of Coast Artillery troops of a highly technical and scientific nature, and such troops must be provided and trained in time of peace. What explanation could be offered to the country if in time of war our fortifications, provided by Congress at great cost, should prove impotent because of failure of Congress to provide the necessary personnel for their operation?

Mr. CHAMBERLAIN. Mr. President, may I call the attention of the Senator to the fact that we have increased the Coast Artillery Corps just exactly as Gen. Weaver wanted it done?

Mr. SUTHERLAND. The statement which has just been read from the desk, as I understand, is Gen. Weaver's statement.

Mr. CHAMBERLAIN. Yes, sir.

Mr. SUTHERLAND. The statement just read from the desk bears out precisely what I thought and had suggested about it, namely, the absolute necessity of sufficiently and thoroughly manning our coast fortifications. It is true, this bill provides for 93 additional companies, but I do not understand that they are to be full companies, because the bill limits the total number of men; and when the companies are filled as the President is authorized to fill them, then there will be some four or five thousand more men than are provided for in the bill.

Mr. DU PONT. Six thousand.

Mr. SUTHERLAND. I want to suggest to the chairman of the committee for his consideration, in view of the extreme importance of this branch of the service, as shown in the statement which has just been read from the desk, whether it would not be better to provide in the bill at once for the maximum number, which would be 5,000 or 6,000 more, and then provide that the President, at his discretion, might reduce the number to the minimum that is provided; in other words, to reverse the provisions of the bill and, instead of fixing the minimum amount and authorizing the President to increase it to the maximum, to fix the maximum amount and authorize him to decrease it to the minimum.

Mr. CHAMBERLAIN. Where will the Senator stop with that? That would disorganize the whole plan of having a minimum, a certain proportion less than the maximum. If you increase this branch of the service to the maximum strength, what will you do with the balance of the other different arms of the service?

Mr. SUTHERLAND. You will leave the balance as they are. It does not disorganize the balance of the service. Because you provide for a distinct branch of the service in that way, it does not affect the remainder of it. It is true it is adopting a somewhat different plan, but it does not disorganize the other branches, because they are separate and distinct. I make that suggestion for the consideration of the Senator.

Mr. THOMAS. Mr. President, I occupy the same position as does the Senator from Utah with regard to the importance of keeping up the efficiency of our Coast Artillery. My understanding of the situation is that we are carrying out a policy that has been in operation for some time in theory and are making it one in practice; that is, we are supplying 100 per cent of the forces necessary for our insular fortifications, 50 per cent of the needed forces for our continental coast fortifications, the other 50 per cent which may be needed in emergencies to be supplied from the National Guard of the respective States where those fortifications are.

When Gen. Weaver was before our committee I asked him specifically with reference to that subject, and such was his information. I then asked him whether the militia of the seaboard cities were equipped for work so as to be as efficient as the regular force. His answer was:

What we have done along this line is this: We have equipped their armories with dummy armament and accessories thereto, which enables them to conduct drill in their armories, including all the features necessary for range finding and serving guns, ammunition, etc. The system contemplates that they come to the fortifications for a period each year and put into actual practice at the fortifications the armory instruction they have had during the winter. They are able to have in the armories practically all of the essential instruction, except the firing of projectiles, and for that, in substitution of the firing of full-size projectiles, they have subcaliber practice in firing at miniature targets.

I believe that the wise course with reference to our Coast Artillery is to keep it at, I will not say maximum efficiency, but at practically that; and the National Guard force which is in training, as Gen. Weaver said, as a reserve force to be used in case of emergency. I do not suppose it will be possible to enact any measure—that is, to carry it through both Houses—which would accomplish that; but it has always seemed to me, to put it mildly, unwise and improper to spend millions of dollars in the erection of coast fortifications and then to deprive those fortifications of the one thing needful to make them effective, and that is a sufficient number of men behind the guns. It seems, however, that it has always been the case to supply a small proportion of the force necessary—I say "always," but it has been so for some time—and to rely upon the National Guard to supplement that force in the event that occasion should arise for their full use. I do not think it is good policy, but I do not believe we are going to be able to change it.

Mr. SUTHERLAND. Mr. President, I thoroughly agree with what the Senator from Colorado has so well said.

Mr. NELSON. Mr. President, I want to ask the chairman of the committee, if it will not embarrass him, for information in respect to the Cavalry. What changes does the bill effect in the personnel of the Cavalry? What is the present strength of the Cavalry and what will be the strength under this bill?

Mr. CHAMBERLAIN. Under the existing law there are 15 Cavalry regiments, having an enlisted strength of 12,240. This bill increases the number of Cavalry regiments to 25, or an increase of 10 regiments, and increases the enlisted strength of the Cavalry to 24,900 men.

Mr. NELSON. That is the peace strength?

Mr. CHAMBERLAIN. That is the minimum strength.

Mr. NELSON. Now, another question, if the chairman will allow me, in connection with the Cavalry. I have received complaints that in the matter of promotion Cavalry officers by this bill, or, at all events, by the House bill, are placed at a disadvantage in comparison with Artillery and Infantry officers. Can the chairman give me any information on that point?

Mr. CHAMBERLAIN. There is no question, Mr. President, that at one time or another, as one branch of the service is increased by increasing the number of its units, the number of vacant places increases, and the officers of the particular branch where the increase is greatest are promoted more rapidly than are the officers of some other branch the number of units of which remains more or less stationary. In those organizations where the increase is small or where there is no change at all, promotions are slow, and the officers of such organizations suffer in that respect, if it may be called suffering, while in those organizations where the number of units has been largely increased promotions are more rapid.

Now, let me say to the Senator further that that condition has confronted the Military Committee in one shape or another ever since I have been a member of that committee, and we are confronted now with the question of equalization of promotion, so that the men in the different branches may fare, somewhat alike.

Mr. NELSON. That is what I referred to.

Mr. CHAMBERLAIN. For instance, take the present conditions. Some of the branches of the Army were increased out of proportion to some of the others, and therefore the promotions in the particular branches so increased have been more rapid than promotions in the branches which have not changed much. In order to try to equalize promotions, we have appointed a subcommittee to take the matter up and to report to the full committee some plan for the equalization of promotions in each branch of the service.

Mr. NELSON. Is that plan to be made a part of this bill?

Mr. CHAMBERLAIN. Yes, sir. We are going to try to do that; but let me say to the Senator that it is not an easy proposition to settle. We have discussed it time and time again. If the subcommittee fails to agree, then the whole committee will have to take it up and do the very best they can.

Mr. NELSON. I hope that question will be settled, because I have had a good many complaints about the disadvantages which officers in the Cavalry service have suffered in the past.

The VICE PRESIDENT. The Secretary will state the amendments proposed by the Senator from Iowa.

The SECRETARY. On page 111, after line 12, at the end of section 6, the section pertaining to the General Staff Corps, it is proposed to add the following:

The President shall detail five officers of the National Guard, of not less than 10 years' service, who shall constitute an additional section of the General Staff, to be known as the National Guard section. Such officers shall be detailed as follows: One for a term of one year; one for a term of two years; one for a term of three years; and two for a term of four years; and after the expiration of each detail the successor shall be detailed for a period of four years unless such detailed officers shall be sooner relieved. In the event of a vacancy in this section the detail shall be for the unexpired term. No officer having served in this section of the General Staff shall be again detailed for such service within two years after the service has ceased. National Guard officers so serving shall receive the pay and allowances of officers of similar grade in the Regular Army.

Mr. CUMMINS. Mr. President, I do not know how the chairman of the committee or the members of the committee view this amendment. I have had some reason to think that it would not be opposed. If, however, it is opposed, I desire to submit some reasons for its adoption. I ask the Senator from Oregon, the chairman of the committee, whether he desires to go on with the discussion this evening?

Mr. CHAMBERLAIN. I should like to go on until 6 o'clock, if the Senator is prepared to go on.

Mr. CUMMINS. I am prepared, Mr. President.

Mr. SMITH of Georgia. Mr. President, before the Senator proceeds I should like to send an amendment to the desk to be read.

Mr. THOMAS. Mr. President, I have no disposition to interfere with the proposed discussion of the amendment of the Senator from Iowa; but if I understand the correct proceeding, we ought to dispose of the Senate committee amendments before other amendments are offered to the bill.

Mr. SMITH of Georgia. We have disposed of all but one, and that one went over by consent.

The VICE PRESIDENT. The Senator from Georgia has asked that an amendment sent to the desk by him may be read. The Chair presumes the Senator from Iowa will not object.

Mr. CUMMINS. I have no objection whatever.

The VICE PRESIDENT. The Secretary will read the amendment sent to the desk by the Senator from Georgia.

The SECRETARY. It is proposed to add, after section 29, the following:

SEC. 29a. In addition to the work connected with the military service soldiers on active duty hereafter enlisting shall devote as many hours as can be so used without neglecting their military duties and, if practicable, an average of 96 hours monthly to study and to receiving instructions upon educational lines not directly connected with the military service and preparatory to their return to civil life. A part of this preparation for civil life shall consist of vocational education either in agriculture or the mechanic arts, and civilian teachers may be employed to aid the Army officers in conducting the said educational work. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instructions preparatory for civil life herein provided for.

Mr. POMERENE. Mr. President, will the Senator from Iowa also yield to me to offer an amendment and have it read, printed, and lie on the table?

Mr. CUMMINS. I yield to the Senator.

Mr. POMERENE. I send the amendment to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 189, line 4, after the word "units," it is proposed to insert "and every officer of higher rank than that of captain," so that the text will read:

To captains commanding companies or similar units and every officer of higher rank than that of captain, \$500.

Mr. THOMAS. I should like to have the amendment of the Senator from Iowa again stated.

Mr. CHAMBERLAIN. I will say to the Senator that I am going to suggest a recess until to-morrow at 12 o'clock, and the amendment will be printed in the RECORD.

Mr. CUMMINS. As I understand, the Senator does not desire to have the argument go on at this time?

Mr. CHAMBERLAIN. No. I will suggest to the Senator that most of the Senators prefer to go on with this matter to-morrow and to take a recess at this time.

Mr. CUMMINS. Very well.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, March 31, 1916, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

THURSDAY, March 30, 1916.

The House met at 10.30 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We draw near to Thee, our Father in heaven, with open hearts, that we may receive the inspiration which Thou alone canst impart; that with clearness of thought, honesty of purpose, and patriotic fervor we may render unto Thee and to our fellow men a service which shall increase the genius and efficiency of popular government and fulfill the demands of the growing changes in our civilization, moving ever onward and upward to larger life and nobler achievements; and blessing and honor and praise be Thine, in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

### REPRINT OF A BILL.

Mr. SEARS. Mr. Speaker, the first print of the bill (H. R. 410) to establish a flood protection and drainage fund and to provide for the protection, drainage, and reclamation of the overflowed and swamp lands in the United States, and so forth, has been exhausted. This bill, introduced by the Speaker, the gentleman from Missouri [Mr. CLARK], is a very important measure, one in which my State is vitally interested and in which, I believe, the entire country is interested. This fact is demonstrated by the exhaustion of the first print. I have taken this matter up with the chairman of the committee and he stated

that he would be present this morning, but I find he is not here. He has no objection to a reprint, and I ask unanimous consent that 500 copies of the bill be ordered reprinted.

Mr. MANN. It does not require an order of the House to have a reprint of a bill. The chairman of the Committee on Printing has the power to order it.

Mr. SEARS. I have tried to get some copies of this bill, and it is immaterial to me how I secure them; but on account of the importance of the bill, which is a good one, I would like to have it reprinted.

Mr. MANN. I shall not object, although the Committee on Printing has the power to order a reprint without action of the House.

The SPEAKER. The gentleman from Florida said he had consulted with the chairman of the committee.

Mr. SEARS. I consulted with the chairman of the committee, and he has no objection to my making this request, and, in fact, the request is made with his knowledge and consent.

Mr. MANN. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

### IMMIGRATION.

Under the order heretofore made the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, with Mr. SAUNDERS in the chair.

The CHAIRMAN. There is an amendment pending, which the Clerk will report.

The Clerk read as follows:

Page 38, line 24, strike out the words "of the United States Public Health Service."

Mr. BENNET. I will say to the gentleman from Alabama [Mr. BURNETT] that that was the amendment to which we agreed on Tuesday, but no vote was taken on the amendment.

Mr. BURNETT. Mr. Chairman, that is correct.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to return to page 10, line 23, for the purpose of modifying an amendment known as the Humphrey amendment, so that it will relate only to contiguous countries.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 10, line 23, for the purpose indicated. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, what does the gentleman desire to do?

Mr. SIEGEL. To modify the gentleman's amendment so that it will apply to territory contiguous to the United States, which was the object when it was presented.

Mr. HUMPHREY of Washington. I have no objection to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 23, following the colon, insert:

"Provided further, That whenever any foreign country contiguous to the United States shall by statute, executive order, or otherwise, exclude from its territory any class or classes of citizens of the United States upon grounds different from the grounds for excluding aliens from the United States herein specified, the same class or classes of aliens residing in such contiguous country shall be excluded from the United States so long as such exclusion of United States citizens continues."

Mr. BENNET. Mr. Chairman, I ask unanimous consent to insert in the RECORD a telegram which gives the reasons for confining this provision to countries contiguous to the United States.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the telegram to which he refers. Is there objection?

There was no objection.

The telegram is as follows:

NEW YORK, March 29, 1916.

HON. WILLIAM S. BENNET,  
Washington, D. C.:

Humphrey amendment to immigration bill, providing for reciprocal exclusion, is destructive of every American tradition. It violates the doctrine of expatriation, to which we are wedded and which has been recognized in the platforms of all of the political parties. It interferes with the right of asylum, which has been a cherished American doctrine. So far as the Russian Jew is concerned, it will exclude him altogether, because Russia has steadfastly forbidden American Jews to enter her domain, even though they bear an American passport. She persists in this contention notwithstanding the abrogation by a unanimous vote of Congress of the treaty of 1832, and has thus far failed to negotiate a new treaty; consequently the class of immigrants who are conceded to occupy an exceptional position because of the persecution and discrimination to which they are subjected would find the doors of opportunity closed to them. This amendment should

therefore be rejected, and in any event so qualified as to prevent it from becoming the medium of injustice and cruelty.

LOUIS MARSHALL.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That at any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States; any alien who after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; at any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported: *Provided*, That for the purposes of this act, the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship: *Provided further*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States: *Provided further*, That the provisions of this section shall also apply to the cases of aliens who come to the mainland of the United States from the insular possessions thereof: *Provided further*, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provision of this act, or of any law or treaty now existing, the decision of the Secretary of Labor shall be final.

Mr. BURNETT. Mr. Chairman, there are one or two committee amendments. On page 39, line 14, after the word "who," I move to insert the words "at any time."

That will provide that those who are here, advocating or teaching the unlawful destruction of property at any time, shall be deported, so that there will be no question of a time limit.

The CHAIRMAN. The question is on the amendment.

Mr. MANN. Let the amendment be reported. The Clerk has not reported it.

The Clerk read as follows:

Page 39, line 14, after the word "who," insert the words "at any time."

Mr. STAFFORD. Mr. Chairman, I should like to inquire of the chairman of the committee whether that would apply to an alien who had developed the practice or idea of advocating the unlawful destruction of property since he came to this country?

Mr. BURNETT. Yes; if he advocates or teaches it. The purpose of it is so that there shall not be any time limit to the deportation of those who teach anarchy after they come over here.

Mr. LONDON. The expression is "shall be found"—shall be found by whom?

Mr. BURNETT. By anybody; of course proof has to be made.

Mr. LONDON. Who shall determine the fact?

Mr. BURNETT. The immigration authorities.

Mr. LONDON. Why not say a court of competent authority?

Mr. BURNETT. They have their rights by habeas corpus; that is not destroyed.

Mr. LONDON. They have not any rights under the habeas corpus act by this immigration act,

Mr. MANN. Is not the right of habeas corpus destroyed?

Mr. LONDON. Completely destroyed.

Mr. MANN. Does not the section provide that the Secretary may have a man arrested, and the man has to prove his case, and that the decision of the Secretary is final?

Mr. BURNETT. The only change made in this bill from the bill that was vetoed is that we do not want a time limit of five years to apply to it. Some of the excluded classes have a time limit of five years, and after five years they are not deportable; but those who teach anarchy and the destruction of property ought not to fall within that time limit.

Mr. MANN. I understand; but if the Secretary orders a man arrested for deportation, the man himself has to make proof, and the decision of the Secretary is final, so that it does wipe out any proceeding under the right of habeas corpus.

Mr. BURNETT. I know that the habeas corpus is frequently invoked in many immigration cases.

Mr. MANN. Under existing law; but the last proviso of this section makes the decision of the Secretary final. It says:

*Provided further*, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provision of this act, or of any law or treaty now existing, the decision of the Secretary of Labor shall be final.

Mr. BURNETT. Possibly so. Who else would decide it? Does the gentleman think he should have the right to resort to the courts? They have to make out a prima facie case, and then the burden is on the alien.

Mr. MANN. There is nothing here that requires anybody to make out a prima facie case. We may assume, and I think properly, that the Secretary will not order anybody arrested unless a case is made out; but he can, and his decision is made final and the burden of proof is put on the person arrested under the last proviso of this section.

Mr. BURNETT. I understand that; but, at the same time, there must be proof to the Secretary of Labor that he is found doing it.

Mr. MANN. We will assume that the Secretary would not order a man arrested without some kind of a case being made out, although there is nothing in the section that requires him to wait. He can order the arrest at any time on the ground that he is an alien, and I am not sure but that he could arrest the gentleman from Alabama or me on the ground that we were aliens, and his decision would be final, if that is constitutional.

Mr. BENNETT. Mr. Chairman, the gentleman from Alabama and myself conferred in relation to this amendment yesterday. I am in entire sympathy with the amendment, but I do think that I ought to call the attention of the gentleman from Alabama to the fact that there has been only one act passed by Congress within the last 10 years that was declared unconstitutional and that is section 3 of the immigration act of 1907, and in that there was an intimation in the opinion of Judge Holmes—and if not in that case in a prior case—that you could not provide that an alien could be deported at any time; that there had to be a limit, and that the length of time for deportation was analogous to the time in which a person could be naturalized. If the gentleman will recollect, when we came to draft the amendment subsequently we put in a five-year limit in relation to deportation of alien criminals, because of that feeling that possibly Congress had no right to provide for deportation after the time in which the alien could be naturalized. I am going to vote for the amendment if the gentleman persists in it.

Mr. BURNETT. That decision has been overruled in the Lapina case. The question came up in that case and the decision was that Congress might fix it so that there would be no time limit. The gentleman will remember that two years ago there was introduced, and the committee reported, a bill that there should be no time limit as to the commission of an offense involving moral turpitude even if it was in this country. It was claimed that that was in violation of a constitutional right, and the Secretary of Labor was to determine it.

Mr. BENNETT. The gentleman may be correct, but I thought I would call his attention to the old contention that we had no authority to enact such a law, and to what was done when we came to the conclusion that we would put the five-year limit on in relation to deportation.

Mr. LONDON. Mr. Chairman, I move the following amendment:

Strike out, on page 39, line 15, the words "advocating or teaching the unlawful destruction of property," and in line 18 the words "all forms of law."

Mr. MANN. That is not a substitute,

Mr. LONDON. It is instead of the amendment offered by the committee.

The CHAIRMAN. The gentleman must make his amendment germane.

Mr. LONDON. Then, Mr. Chairman, I will offer the amendment later. I move to strike out the last word of the committee amendment.

The CHAIRMAN. The gentleman from New York moves to strike out the last word of the committee amendment.

Mr. LONDON. Mr. Chairman, I will offer my amendment a little later. I desire to emphasize the fact that the expression "the destruction of property," as well as the expression "all forms of law," have absolutely no meaning whatever.

The advocacy or teaching of unlawful destruction of property is a crime, and it is reached by subsequent provisions contained in the same section. The section provides that an alien who shall have been convicted of a crime shall be deported. The expressions I complain of have no meaning, except that it will become possible for some employers during strikes to remove the strike leaders by charging them with advocating or teaching the unlawful destruction of property, and in that way, without due process of law, to deprive the strike leader of trial by jury, and of his day in court. He will be taken before a board of special inquiry, consisting of laymen, where he has no right to be represented by counsel. He will be deprived of the right of resorting to the writ of habeas corpus.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. MADDEN. Is the gentleman able to state a single case to the House where any man who has come to the United States from any country in the world was ever deported for the reasons stated by the gentleman?

Mr. LONDON. Oh, I know of cases of men who assisted workers during strikes, and who were treated by the authorities in defiance of all law, and you will find in the official report of the Industrial Commission that the law has not been administered honestly, justly, or equally in labor disputes.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. SABATH. The gentleman from Illinois [Mr. MADDEN] has asked the gentleman a question, whether anyone has ever been deported for this reason. Of course he was not, because it was not in the law.

Mr. LONDON. There was no such provision.

Mr. SABATH. It is now for the first time placed in this bill.

Mr. LONDON. The expression "of all forms of law" has no meaning. The expression "advocating or teaching anarchy" has no meaning. Anarchy in the philosophical sense is the highest realization of democracy, that state of democracy in which government as an institution, separate and distinct from the people, will cease to exist. Under that definition of anarchy Jefferson would be an anarchist; under that definition of anarchy Emerson would be an anarchist. I do retain the expression "or the overthrow by force or violence of the Government of the United States \* \* \* or the assassination of public officials," because that means something. The man who advocates the overthrow by force or violence of the Government of the United States is a dangerous man, although England, with her great constitutional system of law, has permitted people to talk themselves blue in the face, even to the extent of advocating violence and assassination, with the result that the English people have never had a single act of assassination, while Italy and Spain and all other countries that prohibit free speech, that do not give men a chance to express themselves, have suffered from repeated acts of assassination. Mr. Chairman, may I ask for an extension of five minutes?

Mr. BURNETT. I would have no objection to the gentleman having three minutes.

The CHAIRMAN. The time of the gentleman has not yet expired.

Mr. LONDON. I am aware of that, but I find I will not be able to say what I want to say within the five minutes.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. JOHNSON of Washington. Does the gentleman indorse the editorial expressions of certain foreign-born editors of class newspapers who ask workmen to destroy private property, to let dyes run in silk mills, to let threads drop, and to drive great spikes into saw logs secretly—in a word, endeavor to teach men to practice everything that will ruin industry?

Mr. LONDON. Mr. Chairman, everything that tends to violence in the labor movement is destructive of the labor movement. That is why I am a Socialist; that is why we seek to guide discontent into the intelligent channels of political action.

That is why I despise the man, whether he be an anarchist or any other kind of a reactionary, who does not resort to methods outside. The most absurd and incendiary pronouncements come not from foreign editors, but from Central Western States and Western States, where people have become accustomed to talk with absolutely no control of their tongues by their brains.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield again?

Mr. LONDON. Yes.

Mr. JOHNSON of Washington. Is there not a faction, known as the Red Socialists, or the Direct Actionists, who advocate that very thing, the destruction of property?

Mr. LONDON. The so-called anarchist movement was suppressed long ago.

Mr. JOHNSON of Washington. I am not talking about the anarchist movement. I am talking about the Red Socialist movement, the Direct Actionists.

Mr. LONDON. The Direct Actionist movement and the expression "direct action" I will hardly be able to explain in three minutes; but I want to say this, that the expression "direct action" means nothing more nor less than action which assumes an economic character; than the right to strike. It means absolutely nothing more. It is frequently misinterpreted and misunderstood. What is direct action? It is the right to strike. Instead of relying upon the politician who promises things before election and then disappoints the constituents, the Direct Actionist says, "Do not rely on the politician, but rely on strikes." I personally believe in the right to strike, provided it is conducted in an intelligent manner and provided it is a strike to improve conditions. At the same time I advocate the need of political action and the educational value of political activity.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BENNET. Would the initiative, referendum, and recall as it exists in some States come under the term "direct action"?

Mr. LONDON. The initiative, referendum, and recall is a form of direct political action, undoubtedly. But what I want to make clear to you is that I am not advocating the use of violence. We succeeded in crushing the anarchist movement more than 20 years ago; there is no trace of it left. I object to these provisions. They were put in in good faith, but by people who did not realize the effect and the danger lurking in these provisions. I would not permit a board of special inquiry to pass on the question of whether a man is advocating or teaching the unlawful destruction of property.

An amendment should be adopted providing that he must be found by a court of competent jurisdiction to have been advocating or teaching the unlawful destruction of property. Why not adopt the suggestion? Why not say that a court of competent jurisdiction shall determine the issue? You will then give a man a chance to have his day in court and defend himself instead of rushing him before a board of special inquiry, where there is absolutely no opportunity offered to a man to defend himself.

That is why, Mr. Chairman and gentlemen of the committee, I ask the chairman of the committee to change the provisions of section 19 by striking out the expression "advocating or teaching the unlawful destruction of property" and the expression "or of all forms of law" and substitute instead the expression "any alien who after entry shall have been found by a court of competent jurisdiction guilty of the crime of advocating," and so forth.

Mr. MOORE of Pennsylvania. Does the gentleman want to strike out the provision which prohibits the entry of those advocating or teaching the unlawful destruction of property?

Mr. LONDON. It has no meaning. The advocating or teaching of the unlawful destruction of property is criminal.

Mr. MOORE of Pennsylvania. The gentleman's amendment was not written, and I wanted to know whether he wanted to strike out that.

Mr. LONDON. I asked that it be stricken out because it has no meaning in view of the provisions contained in this section.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, this has been the law from time immemorial, "of advocating or teaching anarchy or the overthrow of all forms of law." Now the gentleman wants to change what has been existing law for years so as to make it that the Secretary of Labor and back of him the Secretary of Commerce and back of him the Secretary of the Treasury, when they have jurisdiction of these matters, should not be the ones who decide conclusively and finally upon these questions. Again, this simply puts in those who advocate or teach the unlawful destruction of property and who teach the overthrow of all forms of law. This contention of the gentleman is like

anarchy itself. We can not desire that anarchists, such men as oppose all forms of law, should be allowed to continue to come here until by the long, slow process of courts we shall determine their rights, and that in the meanwhile the anarchists can continue to ply their work. I hope that the amendment of the gentleman will not be adopted. We want to suppress just such things as have been occurring within this country within the last few months, and we do not want a lot of men to run roughshod over law and then appeal to a long-delayed snail-paced court to encourage somebody else to ply their trade instead of making an example of them. It is just as stated by the gentleman from Washington [Mr. JOHNSON] awhile ago, that there is an organization of people in the country who are teaching just such things as that. As to the political refugee, he is provided for in a section we have already adopted. It is the individuals who are going over the country destroying property and teaching the destruction of all forms of law at which this is aimed. The same law has existed as to prostitutes, the same law has existed as to anarchists, the same law has existed as to many other classes of people, and it simply puts these people who think like anarchists, and who—

Mr. LONDON. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. LONDON. Why should the gentleman draw a distinction between a crime involving the advocacy of an unlawful destruction of property and any other serious crime involving moral turpitude? Why should not the man have an opportunity to have his day in court? How can the gentleman from Alabama imply a contempt for the courts of this country and expose himself to the charge of a contempt for law and legal institutions?

Mr. BURNETT. Mr. Chairman, the statement of the gentleman as to my position in regard to contempt of courts from what I have said, the very attitude he has taken in regard to this matter, is something that makes his opinion to me indifferent. It is for the protection of the whole country that this law is aimed at.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. MOORE of Pennsylvania. The question here seems to be whether or not we should leave with the Secretary of Labor the final disposition of these cases and the deportation of aliens.

Mr. BURNETT. That has been the law.

Mr. MOORE of Pennsylvania. Is not that covered sufficiently on page 41, in the first three lines, where it provides that "upon the warrant of the Secretary of Labor," and so forth, the party shall "be taken into custody and deported"? We have discussed this frequently before, and there is just this merit in it. There may be a prejudiced Secretary of Labor. He may be one who is wholly in favor of immigration or he may be bitterly opposed to it, and in such a case the rights of an alien, if he had any under the American law, might be very much prejudiced by a Secretary whose mind was already made up on the subject.

You seem to be taking away from the alien the writ of habeas corpus. I think there ought to be some chance for a man who is thus seized.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BURNETT] has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words. Is there objection. [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I ask the gentleman from Alabama if he does not think that authority already given to the Secretary is sufficient, without going to the extreme here of making his decision in the matter final?

Mr. BURNETT. There has to be some finality about it, and that has been the law all the time; and the courts have so held. And I am just informed by the law agent that if the Secretary renders an unfair decision, unwarranted by the law, the courts are open, and have been, and there have been many trials under habeas corpus and many reversals of decisions.

Mr. SABATH. Will the gentleman yield?

Mr. BURNETT. I yield.

Mr. SABATH. If that is the case, could there be any possible objection to us embodying the provision that the gentleman from New York [Mr. LONDON] and the gentleman from Pennsylvania [Mr. MOORE] desire?

Mr. MOORE of Pennsylvania. The gentleman is mistaken as to my position. I contend for the keeping out of those who teach the unlawful destruction of property. I had a great deal to do with putting that clause in the bill, and I want it to stand. I do not think a man who comes in from a foreign country and teaches the destruction of property in the United States should be permitted to remain; but the trouble here is that a Secretary

of Labor, be he Republican, Democrat, or Socialist, might be prejudiced upon this subject of immigration and a man who is seized and charged by somebody with having thus taught is at once at the mercy of an officer who may be prejudiced.

Mr. POWERS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. POWERS. Even though we should attempt to abolish the writ of habeas corpus, the gentleman knows, I take it, that we could not do it without changing the Constitution of the United States?

Mr. MOORE of Pennsylvania. You ought not to abolish the writ of habeas corpus.

Mr. POWERS. The Constitution of the United States provides we can not do it without it, the Constitution, is changed.

Mr. MOORE of Pennsylvania. You attempt to do it here by making the decision of the Secretary of Labor final. You have sufficient law on page 41. All of these prohibited classes are to be deported after five years, or within a period of five years, or "at any time" as may be determined, and they are to be taken into custody upon the warrant of the Secretary of Labor. A man has a chance to get into court, as this bill provides on page 41, but on page 43 the power of the Secretary is increased and his decision in the matter is to be final, and therefore the accused has no right to appeal to the decision of the court. It is just possible that a man may express himself freely in public against some of our laws, and there are so many laws that there is no reason why a man should not protest against some of them—and, if apprehended, may be deported on the charge of designing persons, with no appeal from the decision of the Secretary of Labor. The testimony of those who report the man is presented to the Secretary, and on his dictum the man goes out of the country.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The question was taken, and the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 40, line 1, change the semicolon to a comma and insert "or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude committed at any time after entry."

Mr. SABATH. Mr. Chairman, this is one of the sections of the bill which provides for the deportation of aliens who have actually been admitted into the United States. This particular section provides for the deportation of aliens who have committed offenses involving moral turpitude. The proviso that I desire to amend is this:

Any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude committed within five years after the entry of this alien.

My amendment provides that after a second offense committed by such an alien, or where he has been for the second time convicted, the five-year limitation should not apply. In other words, even though he may have been residing in the United States for five years or more, if he is for the second time convicted of any offense or crime involving moral turpitude, he should be deported. The provisions in this act covering the majority of cases place the limitation at five years.

A little later on, after the adoption of this amendment, I am going to move to reduce the term from five years to three years, but I am offering this amendment to demonstrate that I have no desire to protect a real criminal, a man who is a criminal at heart, a man who is guilty of a second offense involving moral turpitude and for the second time is convicted. A man of that kind is a criminal and is not entitled to consideration on the part of any of the citizens of the United States.

Mr. MANN. Will the gentleman yield?

Mr. SABATH. I will.

Mr. MANN. Suppose a man had lived in this country 50 years and was still an alien, and came under the provision of the gentleman's amendment, where would he be deported to?

Mr. SABATH. Yes; to the country of which he is still a citizen.

I wish to say to my colleague from Illinois and the gentlemen of the House that I have strenuously opposed in the committee the five-year provision in this bill. I realize the hardship upon a man who has been a resident of this country for a number of years and then, through misfortune, commits an offense that might be considered a crime involving moral turpitude and is deported.

In view of the fact that the committee insisted upon doing away with any time limit whatever, in order to secure at least that five-year concession from the committee, I yielded for the time being and agreed to support the proposition that any alien who is sentenced for the second time for committing a second crime involving moral turpitude should be deported, and that no time limitation should apply to him.

Mr. MANN. I understand. We have a statute which deprives an American citizen of citizenship if he remains abroad for a certain length of time and does not comply with certain provisions of law. I should naturally think that some of the foreign countries would have some provisions of that kind that would deprive one of its citizens of his natural citizenship after a number of years. Could we not, notwithstanding that, deport him to that other country on the ground that he was a habitual criminal?

Mr. SABATH. We could under a provision of the old act, namely, that provision which pertains to the deportation of prostitutes and people concerned in or connected with prostitution. There is no limitation as to them, as I understand. If I am not mistaken, the Supreme Court has construed the section to be constitutional, and we deport aliens under it very frequently. In fact, during the fiscal year ending June 30, 1915, we debarred 490 prostitutes and procurers from entering the United States, and we deported an additional 214 prostitutes and procurers who had actually gained admittance to the United States.

Mr. MANN. They do not live that long.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURNETT. Mr. Chairman, I rise to support the amendment of the gentleman from Illinois [Mr. SABATH]. The gentleman is mistaken, however, in his idea that the committee wanted to remove the time limit as to those committing offenses in this country—the first offense. The police commissioner of New York was before the committee, and he showed an alarming condition in the prisons in regard to aliens who commit crimes after they come here, and he insisted that there should be no time limit as to the deportation of any of them this side of final citizenship. We believed, however, that it was a harsh rule, and every member of the committee believed that it would be a harsh rule—that if a man had come over here without any criminal record behind him being shown, and had lived an upright life here for 5 or 10 or 15 years, and then was convicted of a crime, to deport him would be unjust. Hence, we did not agree with the suggestion of the police commissioner of New York, who showed us an alarming number of records of prisoners who had come over and committed crimes after they had come here.

But the suggestion was then made by the gentleman from Illinois [Mr. SABATH] that those who committed a second crime involving moral turpitude showed then a criminal heart and a criminal tendency, and they should then be deported; and the committee unanimously agreed with the gentleman that that ought to be done. The police commissioner wrote me a letter, in which he stated that upon examination of the prison records he found that there were a great many of those cases, of men who served out their sentences and then renewed their careers of crime.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. BURNETT. Yes.

Mr. MANN. As a matter of curiosity, where one of these aliens commits a crime that subjects him to deportation, when is he deported?

Mr. BURNETT. My idea is that it is done after the expiration of the sentence.

Mr. MANN. It says here, on line 6, "hereafter sentenced."

Mr. BURNETT. There is a proviso later on that provides that it shall be after the expiration of the sentence.

Mr. MANN. There may be another proviso, but I do not at the moment locate it.

Mr. BURNETT. We think that that is taken care of, but I think it is a wise suggestion on the part of the gentleman.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield a moment?

Mr. BURNETT. Yes.

Mr. EDMONDS. The police commissioner of New York told us what percentage of the prisoners were aliens. He said 38 per cent of the prisoners in New York were aliens, and in Pennsylvania the percentage was 34, and in Rhode Island 35, and that the same percentage runs throughout the Eastern States generally.

Mr. BURNETT. I want to say, Mr. Chairman, that it was not the idea of the committee that there should be no limitation as to the first conviction, but on the commission of the second

offense, showing that the man was really a criminal at heart, we believed that he ought to be deported.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BENNET. Mr. Chairman, the gentleman from Pennsylvania [Mr. EDMONDS] has just called attention to the percentage of alien criminals in two or three States. I could never understand why, when gentlemen do that, they should not at the same time call attention to the percentage of aliens in the population. Now, the percentage of aliens in the population of New York State is somewhere around 31 or 32 per cent, so that the percentage of criminals is substantially the same as the percentage of aliens in the population.

Then here is the unfairness, not of the gentleman from Pennsylvania [Mr. EDMONDS], but of the statistics in all this, unless it is explained: Of course the native-born child of foreign-born parents is properly and necessarily classed as a native-born citizen, because he is; and therefore when they charge up the statistics as to crimes they do not take into account the very high standing of the children of the immigrants. They class them, of course, as native born, as they ought, and do not take them into account.

I will tell you what these statistics are largely made up of. There are a whole lot of Greeks in New York City, for instance, who sell shoe laces, and so forth. Sometimes they stand more than five minutes on a corner and are arrested for that so-called offense and taken into court and fined \$3. Eighty-nine per cent, as I ascertained the last time I looked it up—89 per cent of the crimes of which the Greeks were convicted in the city of New York was simply the offense of standing more than five minutes on a street corner selling shoe laces and things of that sort without a license. Yet that gives a chance for gentlemen to rise in their places and call attention to the horrible statistics of crime among our foreign-born population.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. EDMONDS. I am only taking the criminals that are confined in Sing Sing and Auburn, and criminals who are confined for a considerable length of time.

Mr. BURNETT. I will state that the police commissioner was not talking about those offenders. He was talking about prisoners confined in Sing Sing and in the State penitentiary for crimes of a serious nature.

Mr. BENNET. I have no objection to the statistics of the commissioner, but in respect to these alien criminals I am opposed to the amendment of the gentleman from Illinois [Mr. SABATH] and always have been. A thing that I have never understood is the tenderness of this House toward aliens who commit crimes. It seems to me that a man who comes here and enjoys the privilege of being here and repays our kindness by violating our laws, by committing an act involving moral turpitude, should at the expiration of his sentence be deported. This amendment proposes that after a man has been convicted twice he shall be deported. In other words, as the gentleman from Alabama [Mr. BURNETT] said with a great deal of gravity, they found in the prisons of New York a great many men who had been convicted and who had served out their sentence and then had been let out and committed other crimes and been convicted again, and because the men had been convicted twice he thought that they should be deported. Because the man had been convicted twice he thought that man should be deported. Now, why should he not be deported after having been convicted once of a crime so grave as a felony?

This is no new attitude on my part, because seven or eight years ago I introduced a bill which was reported to this House. The gentleman from Illinois [Mr. SABATH] at that time made arguments similar to those made by the gentleman from Alabama [Mr. BURNETT] to-day. The bill came up under suspension of the rules and failed to secure a two-thirds vote, and I never could get it up for a vote after that.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. SABATH].

The question being taken, on a division (demanded by Mr. SABATH) there were—ayes 53, noes 11.

Accordingly the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. SABATH: Strike out, on line 19, page 39, the word "five" and substitute therefor the word "three."

Mr. SABATH. Mr. Chairman, this will shorten the time from five years to three years. I believe that if a man has been in this country for three years and then, because of conditions over which he has no control, becomes a public charge he should not be deported.

Mr. BURNETT. Mr. Chairman, the committee were of the opinion that the time should be extended. The law now is three years. Certainly if people become public charges and inmates of our hospitals or poorhouses at public expense within five years it is not right that our people should have the care of them. I supposed it was the unanimous view of the committee that the time should be extended to five years, and I hope that the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. SABATH].

The amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer an amendment, in line 25, page 39, to strike out the word "five" and substitute the word "three," so that the provision will read—

Any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude committed within three years after entering—

And so forth. A little while ago I offered and the committee adopted an amendment eliminating the time limit, showing that I had no sympathy with the man who is really a criminal at heart; but I believe we ought not to be so hard upon a man who at some time, without thinking and without really knowing it is an offense, does something which may be designated technically as a crime involving moral turpitude. In certain sections of the country the larceny of a few pennies or of a piece of coal or a loaf of bread is considered a crime involving moral turpitude. I do not think we should be too harsh on an unfortunate man of that kind. We may very likely have cases where a man has married within five years after his arrival in this country. He may have married an American woman and may have children. What will become of his wife and his children if he is deported? The danger is not so great if we change the limit to three years.

Mr. SLAYDEN. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. SLAYDEN. I suppose the gentleman realizes that the stealing of a few pennies or a loaf of bread by a negro hardly rises in importance to a felony, and he would not serve a year in the penitentiary for such an offense.

Mr. SABATH. We have cases of record where a man has broken into a chicken coop and stolen a chicken, has been charged with the crime of larceny, or even breaking and entering, and has been sentenced for a longer period than one year.

Mr. SLAYDEN. I want to say to my friend that I never knew of any man being sent to the penitentiary for stealing chickens except one, and that man stole some thoroughbred game birds.

Mr. SABATH. Oh, the darkies in the State of Texas have not a monopoly upon the stealing of chickens. There are others in his State who will sometimes take a game chicken.

Mr. MANN. Will my colleague yield?

Mr. SABATH. I yield to my colleague.

Mr. MANN. Does not my colleague think that after all a large part of the objection that he makes is taken care of by the provision in the bill which forbids deportation if the judge who enters the sentence does not desire to have a man deported?

Mr. SABATH. In a measure it does, but I am a little alarmed at the way in which that provision is worded. Two years ago I attempted to perfect that proviso but did not succeed. However, we succeeded in securing this provision, which is better than nothing, though it does not go as far as we desired.

Mr. MANN. Take a case such as the gentleman has cited. Is it not almost certain that the judge would recommend that the man be not deported, and in that case he would not be deported?

Mr. SABATH. I agree with my colleague that in our State and in our city, where the judges are familiar with the conditions under which these immigrants live, a judge would perhaps recommend that the man be not deported; but there are certain parts of our country where there are judges who are prejudiced against immigrants, who will listen to no reason or appeal, and who will be only too pleased to order deportation whenever the opportunity presents itself. For that reason I believe that this amendment should be adopted and the time limit shortened.

Mr. BURNETT. Mr. Chairman, I want only two minutes. The gentleman from Illinois has called attention to the provision that does not exist in the present law, and really that is the mitigation of the law as it stands. The law as it stands is three years. It must be a sentence of 12 months, and it must be for a crime involving moral turpitude, and the alien again is hedged about by the right of the judge to say that he shall not be deported and he will not be. I think it is in the interest of the alien; and I ask for a vote.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 41, line 12, after the word "at," strike out the words "the time of" and insert the words "any time after."

Mr. SABATH. Mr. Chairman, a few moments ago my colleague from Illinois called the attention of the committee to the provision which gives the judge the right of recommendation as to whether or not a man so sentenced should be deported. The provision reads:

*Provided further,* That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment.

I am trying to perfect the amendment. I have had no chance to talk to the chairman of the committee about the amendment, but I am trying to give the court jurisdiction so that it can, at any time after imposing judgment, make a recommendation that the alien be not deported. I believe this is a fair amendment. Frequently during the trial of a case the judge may omit or forget to make a recommendation, and thereby the alien may be deprived of the provisions of this act and of the benefits which we are trying to give him.

Mr. BENNET. Will the gentleman yield?

Mr. SABATH. Certainly.

Mr. BENNET. I want to ask the gentleman if all his amendment seeks to accomplish is to give the judge the right not only at the time of the sentence, but at any time before deportation, to obliterate the deportation for any good reason that may exist in his mind?

Mr. SABATH. That is all I contemplate. No one can object to it, because no judge would deliberately order that deportation be not made unless there was good reason for it.

Mr. HAYES. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. HAYES. Does not the gentleman think that the amendment would subject the judges of the court to all sorts of pressure? It seems to me that the language of the bill is right, and that the decision ought to be made at the time of the trial.

Mr. SABATH. I can not agree with the gentleman from California, because these aliens have no influence, nor can they bring to bear any pressure upon a judge.

Mr. MADDEN. Will the gentleman yield?

Mr. SABATH. Certainly.

Mr. MADDEN. Does not my colleague think that the language would give the court jurisdiction for a period beyond which he would be required to serve in the penitentiary under sentence?

Mr. SABATH. No; I do not.

Mr. MADDEN. Any time after imposing judgment would mean any time during his lifetime.

Mr. SABATH. If there is no such recommendation, he would be deported, and the recommendation after that would be of no value. So if a recommendation is made at any time, it must be before deportation has taken place.

Mr. MADDEN. Then, he ought to be given authority to make a recommendation only for the time while the sentence lasts.

Mr. SABATH. If a recommendation is made, it must be made at once, or before deportation takes place. After a man has served his full term the recommendation would have to be made immediately or before the deportation took place.

Mr. POWERS. Will the gentleman yield?

Mr. SABATH. I will yield to the gentleman.

Mr. POWERS. Would you not get into this difficulty: For instance, a man is sentenced to the penitentiary for 21 years and serves his term out. In the meantime the judge that passed the sentence might no longer be judge of that court. The bench is occupied by other judges, who know nothing about the facts.

Mr. STAFFORD. He has ceased to be "the court."

Mr. POWERS. Another man has taken his place who knows nothing about the facts of the case and does not know what to recommend.

Mr. SABATH. In such a case, where there is a conviction for such a serious crime, the court would have jurisdiction at that time to recommend the deportation after the man has served his sentence.

Mr. STAFFORD. Does not the gentleman think the court should have the right prior to his imposing his sentence, or at the time of the sentence, and would it not accomplish his pur-

pose by leaving the text as it stands and inserting the words "or at any time thereafter"?

Mr. SABATH. I believe my amendment will cover that, that he will pronounce the sentence, and the moment he is through with it he can make his recommendation or at any time thereafter.

Mr. POWERS. Would not the gentleman's amendment, if it is adopted, militate against the man you are trying to protect? The new judge might come in, and, of course, knowing nothing about the facts in the case, might refuse a recommendation against deportation.

Mr. SABATH. No; it could not be to the injury of such alien. It would be, if at all, to his advantage. I desire to be fair, and I make this amendment for the reasons that frequently, after the conviction, conditions arise that may lead a judge to make recommendations that the man should not be deported, whereas if he made the recommendation at the same time he might, in view of the conditions that existed then, recommend immediate deportation.

Mr. BENNET. Mr. Chairman, I move to strike out the last word of the amendment, and I would like to have the attention of the gentleman from Alabama [Mr. BURNETT] and the gentleman from Illinois [Mr. SABATH]. I think that this particular amendment of the gentleman from Illinois [Mr. SABATH], although I voted against his other amendments, which I think weaken the criminal-deportation section, ought to be adopted; but I would like to ask the two gentlemen if they do not think that what is desired to be accomplished would be better accomplished if they struck out, on line 12, the words "at the time of imposing judgment or passing sentence," so that it would read:

If the court sentencing such alien for such crime shall make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act.

Then the court could make it at any time. He could make it in connection with the sentence, and sometimes the court would like to do that for the effect upon other people, or he could make it afterwards. I would say to the gentleman from California [Mr. HAYES] that I do not take much stock in this matter of pressure on courts. A man who is big enough to be elected a judge of a court that may sentence a man for a felony ought to be big enough to resist pressure.

Mr. HAYES. Is it not true that as soon as a man is sentenced the judge then ceases to be the court with respect to that particular man, and he has no jurisdiction over it? He would be subject to pressure, and people could call on him and induce him to take an action which as a judge of a court he could not be induced to take.

Mr. BENNET. Oh, his act would still be a judicial act, and if a man has not strong enough moral fiber to resist that sort of pressure, he ought not to be a judge. My belief about most of the judges of our country is that they are not improperly swayed by pressure, and I do believe that a judge has a right and ought to have a right under this somewhat severe provision to have all of the facts presented to him and act on the facts, just as a governor acts in relation to a pardon case. A judge sentencing a man for a felony may not know of the existence of this Federal statute. A man might come around in 48 hours afterwards and say, "This man that you have sentenced to two years in the penitentiary for felony will at the expiration of that time be deported," and the judge will say, "That is too bad; that ought not to be"; and then the reply would be, "Well, you have the right to stop that by recommendation."

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. BURNETT. Is it not true that in all the States—it is in mine—a judge has control of his judgment until the expiration of the term of the court?

Mr. BENNET. Yes; it is in New York.

Mr. BURNETT. That being the rule, would he not have the right in any event, up to the expiration of the term of court even, to make that order or to modify an order previously made?

Mr. BENNET. Not under this language, because it says that he shall make it at the time of imposing judgment or of passing sentence, and I call the attention of the gentleman from Alabama to the fact that we are imposing a duty on a State court judge, we are making him pro tanto, pro tempore, a Federal official. We are giving his acts possibly as an individual a Federal effect, and we have the right to limit, regardless of State laws, the time when he can exercise that act, just as in connection with naturalization we have the right to say to the judges of the State courts when they shall do a thing and when they shall not do it.

Mr. BURNETT. I see the danger the gentleman from California [Mr. HAYES] has stated, in the pressure upon the court,

However, I do not think it would be a bad amendment to allow a judge to have during the term of court power to modify his decision if he desires to do so, but I do not think it ought to go beyond that.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOWARD. Mr. Chairman, I think there are two reasons why the amendment of the gentleman from Illinois [Mr. SABATH] ought not to be adopted. I have had several years' experience in the prosecution of crimes in the State courts, and I know this, that after the facts have all gotten out of the mind of the judge, and several months have elapsed since the conviction of the criminal, a judge doing any volume of business can not possibly keep all of the facts and circumstances surrounding the trial of the man in his mind, and then the friends of a convicted felon, or of a person convicted of crime involving moral turpitude, get together. They petition the judge. He is human. He can not exactly place all of the facts and circumstances surrounding the sentence of this man and his trial and he is overpersuaded and signs the petition, and retains in this country a man who ought not to be retained. That is one objection.

The other objection is this, that if the judge should be removed, as suggested by the gentleman from Kentucky [Mr. POWERS], by the expiration of his term of office, he would not have jurisdiction; but a judge who has had nothing to do with developing the facts or knew nothing about the facts, as I understand the section, would have the right to make such a recommendation to the Department of Labor. In all jurisdictions about which I know anything, until the expiration of the term of court the judge has it within his power, and it is entirely within his province, to change the term or to do anything he desires to do about the extent of punishment that he has imposed at that particular term of court.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MANN. Under this bill, is the deportation after sentence discretionary with the Secretary of Labor or obligatory upon him?

Mr. HOWARD. I think under the language that the only province of the judge is recommendation.

Mr. MANN. I say the Secretary. Supposing the judge has made no recommendation, under the terms of the bill is not the Secretary obliged to cause the deportation?

Mr. HOWARD. Yes.

Mr. MANN. Suppose a man should be pardoned?

Mr. HOWARD. Well, I have known of men who were pardoned that ought not to have been pardoned.

Mr. MANN. I understand, and I have no doubt the gentleman has known governors to pardon men who ought to be pardoned.

Mr. HOWARD. The mere fact that they are pardoned does not make them morally fit.

Mr. MANN. But there are cases where the pardon is properly granted. There may be many cases where a parole is frequently granted. Now, ought not there to be some method—

Mr. BURNETT. If the gentleman will permit, that is provided for. I will call attention to it, in the proviso on page 41:

That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned.

Mr. MANN. I was giving that as an illustration, but circumstances may come where there is a reason for a parole. That is frequent everywhere, which shows that the sentence ought not to be carried into effect. Ought there not to be some way by which that can be reached?

Mr. HOWARD. I think a man who is palpably guilty of a crime involving moral turpitude—that is, a penalty created as this bill provides—that upon the recommendation of the judge and the department that that man, if he commits this crime within a certain time after arriving in this country, ought to be deported as an undesirable citizen.

Mr. MANN. We all agree to that; that is not the question.

Mr. HOWARD. There is no contingency that can arise by which you can in the least minimize the crime if the truth was ascertained at the original trial.

Mr. MANN. There are a great many people convicted of a great many crimes unjustly, sometimes where the circumstances were not fully known. That often happens, as the gentleman knows.

Mr. HOWARD. That is possibly true in many cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN. Mr. Chairman, I can not accept the opinion expressed by some gentlemen who have spoken as to the duty and right of the court in these matters. I appreciate, of course, what it means for me to differ from some of these

gentlemen on questions of law, but I wish to express my opinion to the effect that after the offender has been convicted in the court, sentence imposed, commitment papers made out, and the offender taken to prison, the court ceases to have jurisdiction of the person or subject matter except to entertain a motion for a new trial or to permit necessary proceedings to be taken looking to appeal of the case to a higher court, or in some cases as provided by the statute of the State, to join in a petition to the executive authority for a pardon of the convict. I can not agree at all with the statement of gentlemen that during the term of court, it may be a long term of court, but during the term of court, regardless of what may have been the proceeding in that court respecting the trial and sentence of one charged and convicted of crime, even though he may have been taken to prison, that the court has jurisdiction of the case to the end of the term of court. I do not know the laws of all the States, and I may say I know very little of the laws of any of them, but I am not prepared to believe that in any State of this Union after proceedings have been taken, such as I have outlined, respecting a criminal case, that any court has jurisdiction to the close of the term.

Mr. Chairman, it seems to me that the proper time and the only time when the court should be permitted to make a recommendation, which has authority and which shall have weight, should be at the time the case is tried by the court, and at the time the judge presiding over that court imposes judgment or renders his decision. I think that it would be unwise, unsafe, to invest that court with this authority after the case has been disposed of. If this amendment is adopted, a recommendation by a court or by a judge by or before whom the case was tried, made years and years after the trial, and even after the court or judge has lost jurisdiction, can be used for the purpose of preventing deportation. This law ought to provide, if recommendation is to be made and if it is to have weight, that it be made promptly and when the entire matter is fresh and not permitted after the lapse of years.

I suggest and I express the opinion that the amendment offered by the gentleman from Illinois ought not to be adopted.

Mr. HAYES. Mr. Chairman, I fully agree with the statement of the gentleman from Michigan [Mr. McLAUGHLIN], but I want to amplify a little further on his thought. When the alien is before the judge charged with a crime and the time for sentence comes, necessarily the question of whether he shall be deported or not must be presented to the court, and when all the facts are before him, and after both sides have been heard by the court, that is the time when that important matter should be decided. After the decision has been rendered and judgment entered, and the case is practically out of court, it would be very unsafe to permit a judge to reverse himself in a matter of that kind, having heard only one side of the case. Necessarily in such a case the judge would hear only one side of the case. This would be very unsafe, and I am sure the gentleman from Illinois will agree with me that it would be an unheard of proceeding in judicial matters to permit a reversal of the judgment of the court in an important matter of that kind without giving an opportunity for a hearing of both sides of the question.

Mr. SABATH. If the gentleman will permit, there is nothing in my amendment that would not give the same right of hearing to both sides, and I think the gentleman will agree with me that we could take for granted that at the time the sentence is imposed all the facts and all the evidence in the matter is before such court. Frequently, the gentleman knows, and I know, new trials are granted. Why? Because new evidence has been adduced that could not have been secured at the time. Now, the gentleman would not think that if new evidence developed showing that a man has been unjustly sentenced the court should not have the right and jurisdiction to change its views?

Mr. HAYES. If the court had no such jurisdiction of the case, the judge still has the right to recommend executive pardon for the convict, just as he has in any other case, and a part of that pardon will, under the law, prevent the deportation.

Mr. BURNETT. Mr. Chairman, I move that all debate on this amendment now close.

Mr. POWERS. Close in five minutes.

Mr. BURNETT. I yield to the gentleman two minutes. That will be enough.

Mr. POWERS. Make it five minutes, and I will stop when I get through.

Mr. BURNETT. Mr. Chairman, I move that all debate on this amendment close in five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. POWERS. Mr. Chairman, I do not believe that the amendment offered by the gentleman from Illinois [Mr. SABATH] ought to prevail. It says, "that at any time after imposing judgment or passing sentence" the court can recommend against deportation. The bill as framed says at the time of imposing judgment or passing sentence the judge, if he makes a recommendation to the Secretary of Labor that the man should not be deported, he will not be. As has been urged here by the gentleman from Georgia [Mr. HOWARD], at the time the sentence is imposed by the judge or at the time he passes sentence upon the prisoner all the facts in the case are clear in his mind. They will not be if years should elapse. Both the Commonwealth and the defendant are represented in court at the time sentence is passed. There is nothing in the amendment offered by the gentleman from Illinois—

Mr. SABATH. Will the gentleman yield?

Mr. POWERS. I yield, sir.

Mr. SABATH. If there is nothing to the amendment, why does the gentleman oppose it?

Mr. POWERS. I did not get through with my sentence.

Mr. SABATH. I beg your pardon.

Mr. POWERS. I say there is nothing in the amendment offered by the gentleman from Illinois which would require both the Commonwealth and the defendant to be represented at the time application was made to this judge for the purpose of securing his recommendation that the man should not be deported.

Mr. SABATH. If the gentleman will offer such an amendment, I am willing to agree to such an amendment to my amendment.

Mr. POWERS. I suggest that the gentleman figure that out while I am speaking.

And another thing, Mr. Chairman. As has been urged by the gentleman from Michigan [Mr. McLAUGHLIN], terms of court expire and courts no longer have jurisdiction of the particular case. I know that is the law in Kentucky. I do not know about the law in the other States. Kentucky law provides that after the term of court at which the judgment is rendered and sentence is passed, the courts have no further jurisdiction of that particular case. They have no jurisdiction to even recommend pardon as a court. The gentleman from Michigan suggested that they did have the power to recommend pardon. That is not true except in their individual capacity. They can do it as individuals. The Commonwealth attorney can do it as an individual, or the court can do it as an individual, but they have no right to recommend it even in their official capacities after the term of court has elapsed and passed at which the sentence was rendered.

Another thing, the amendment offered by the gentleman from Illinois makes it impossible for the court to make this recommendation at all other times than that at which he would be best able to make it. If he would put in his amendment after the word "sentence" or "at any time thereafter," to make his amendment read like this, "at the time of imposing judgment or passing sentence or at any time thereafter," the amendment would be in a good deal better shape than it is now, because, as has been said, at the time the judgment is rendered and at the time the sentence is passed, the judge is best qualified to make these recommendations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. SABATH. Division, Mr. Chairman.

The committee divided; and there were—yeas 13, noes 58.

So the amendment was rejected.

Mr. BURNETT. Mr. Chairman, I have a committee amendment which I wish to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 40, line 20, following the semicolon, insert "any alien who was convicted or who admits the commission prior to entry of a felony or other crime or misdemeanor involving moral turpitude."

Mr. BURNETT. The purpose of that amendment is just simply to remove the time limit to felons who come here as felons and who were convicted on the other side. They have no right to enter, but many of them, as stated by the commissioner, slip in; and under the law now, the five-year limit, or the three-year limit under the present bill, would prevent a deportation of a man who committed murder or any other crime involving moral turpitude on the other side.

Now, we all believe, as I said a moment ago, that while the crime is committed on this side there ought to be some time

limit. Yet a man has come in, perhaps, surreptitiously in violation of the law, and that excludes him as a criminal, and there ought to be no time limit as to his exclusion as a criminal.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to. Mr. SIEGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 41, line 12, after the word "sentence," insert "or within 30 days thereafter."

Mr. SIEGEL. Mr. Chairman, by the insertion of the words "within 30 days thereafter" the section would read:

Nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, or within 30 days thereafter, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act.

Now, the reason why I have offered this amendment is because in the State of New York and elsewhere we find judges may make errors at the time of drawing the commitment papers or imposing sentences, and this amendment would give opportunity to the court or judge imposing sentence to rectify his error within 30 days after imposing such sentence or judgment.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. McLAUGHLIN. Very likely the courts of New York are in session all the time, but suppose the term of court had expired, would the gentleman permit the judge on his own responsibility, without a hearing, but merely as an ex parte matter, to make this recommendation?

Mr. SIEGEL. I would, and I would do it for this reason: I think the judge is only human. He is part of a court, and being on the bench and elected by the people, who have put him into power and placed him upon that bench, they have sufficient faith in him to leave it to him to rectify his errors according to his own conscience and according to his own best judgment. The American people respect their courts and the men they have elevated to the bench. I, for one, have the utmost confidence in our judges and trust them in every way.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. I do.

Mr. POWERS. If the term of the court has expired, then the court, as such, would have no jurisdiction over the case. I suggest that on line 11 you put in the words "or judge" after the word "court."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. SIEGEL. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 46.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last proviso after the word "thereof," beginning on line 23 of page 41.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Strike out the proviso beginning on page 41, line 23, and ending on page 42, line 9.

Mr. MOORE of Pennsylvania. Mr. Chairman, the proviso which I have moved to strike out reads as follows:

*Provided further,* That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provision of this act, or of any law or treaty now existing, the decision of the Secretary of Labor shall be final.

In the first place, that is an ambiguous proviso. In the second place, it admits of certain wrongs to aliens in the way of blackmail that ought to be prohibited. In the third place, in giving exclusive jurisdiction to the Secretary of Labor it conflicts with the Constitution, which preserves the right of habeas corpus.

There is no reason why Congress should make trouble for itself in passing a law or a provision of law which is unconstitutional, which it would seem to do in this instance if it provides that in a matter of human rights the Secretary of Labor shall have final judgment.

If we have a Secretary of Labor such as we had several years ago, who was generally regarded as being in favor of immigration, and if we have one now who is generally regarded as opposed

to immigration, the evil of this discretion lodged in the Secretary will at once appear. If the Secretary is opposed to immigration, he may deport any one against whom charges are made. If he is in favor of immigration, he may admit anyone against whom charges are made. The right to go to a court, the constitutional right of habeas corpus, is denied by this provision.

It often happens, and it would happen particularly with respect to Chinese and Japanese, if this proviso is intended to relate to them, that gross injustice would be done to them. Whenever they locate in the United States and become prosperous it is mighty easy for some scheming or blackmailing person to harass them by demands for money. In the case of Chinamen it has been charged that they have been treated this way when they became prosperous enough to make good victims. With regard to other immigrants, in the Italian colony particularly, it frequently happens that a blacklander operates with great freedom. A man comes into the country, locates in business, marries, becomes moderately prosperous, and then some designing person, who himself may or may not have the right of citizenship, sends him a black-hand letter demanding a sum of money.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MILLER of Minnesota. Is the gentleman of the opinion that the concluding paragraph of the proviso precludes an alien from resorting to the courts for the determination of his rights?

Mr. MOORE of Pennsylvania. I certainly think that is the purport of the proviso. It so reads. It means that when a man is complained against, no matter what his offense may be, he must prove up in the last analysis to the Secretary of Labor only or leave the country. He is put wholly within the jurisdiction of the Secretary of Labor. He seems to have no right to appeal to the courts. As the matter stands two designing persons in a great city like New York, two gunmen, if you please, two blacklanders in the city of Philadelphia or any other city, may set up a job on some poor alien who does not know very much about our laws or the right of habeas corpus, and thus operate under this law to his injury. This sort of blackmail is apt to happen to the man who is industrious, who has been prosperous, and if he fails to pay or leave his pot of gold in a certain place at midnight, as it were, the complaint might prevail against him. It is easy, where men do not understand American customs and conditions, to set up a job of that kind. This paragraph should be satisfactorily explained or be stricken out. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, I would like to make an inquiry or two of the gentleman from Alabama [Mr. BURNETT], if I can be recognized.

Mr. BURNETT. What is the request of the gentleman?

Mr. MILLER of Minnesota. I desire to be recognized mainly that I may ask a question or two of the gentleman from Alabama in charge of the bill.

Mr. BURNETT. I will state to the gentleman that the first part of that paragraph relates to Chinese. It says—

Who are found in the United States in violation of any other law thereof which imposes on such persons the burden of proving his right to enter or remain.

The only other law is the Chinese-exclusion law. This is for the purpose of putting the burden on them, as to the last part of it. That has been the law ever since there has been an immigration law, that the decision of the Secretary of Labor shall be final. The gentleman from Pennsylvania [Mr. MOORE] was a very distinguished member of the committee for years, and I never heard him find any fault with that provision until now.

Mr. MOORE of Pennsylvania. I beg the gentleman's pardon. While I was a member of the committee I did contest the right of the Secretary of Labor to decide these cases without the right of appeal. I have always held to the right of appeal.

Mr. MILLER of Minnesota. Does the gentleman from Alabama hold that this language deprives the alien of his right to appeal to the courts?

Mr. BURNETT. No. It does not in fact.

Mr. MILLER of Minnesota. However you frame the language, you could not cut off the right of the alien to appeal to the courts in the determination of his rights?

Mr. BURNETT. There is no doubt about that, and it is done. I move, Mr. Chairman, that all debate on this paragraph be now ended.

The CHAIRMAN. The Chair will first put the question on the amendment. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the proviso on page 41, beginning on line 3, the first proviso.

The Clerk read as follows:

Amend, on page 41, by striking out the proviso beginning in line 3 and ending in line 7.

Mr. MANN. Mr. Chairman, this proviso reads:

*Provided, That, for the purposes of this act, the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.*

I am quite in sympathy with the purposes of the proviso, but I do not understand how you can declare a person an American citizen for one purpose, and then declare that such person is not an American citizen for another purpose. The Constitution of the United States provides that—

The Congress shall have power \* \* \* to establish a uniform rule of naturalization—

And then provides further that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.

And there is no power in Congress to declare that a person is a citizen of the United States, but shall not be considered a citizen under some special provision of law. When one becomes a citizen of the United States, the United States under this law can not deport that person. Now, what is the use of putting into this act a provision that is clearly unconstitutional?

Mr. BURNETT. I do not quite get the idea of the gentleman. This provision reads:

*Provided, That, for the purposes of this act, the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.*

Mr. MANN. Why, certainly—

For the purposes of this act.

But the naturalization law provides that where an alien woman is married to an American citizen, that alien woman becomes an American citizen. Now, you can change that if you want to, I suppose, but you can not say that she is an American citizen for the purpose of inheritance, for the purpose of protection in other respects, but is not an American citizen "for the purposes of this act." She is or she is not. If she is an American citizen, as she is under the naturalization laws, you can not say that for the purposes of some other act she shall not be an American citizen, because that is denying a fact. The Constitution provides that we may pass uniform laws of naturalization; and when we say under those laws that a person becomes an American citizen, that person is an American citizen for all purposes.

If you want to modify the naturalization laws and provide that the marriage of such a person to an American citizen shall not constitute that person an American citizen, I think we have that power. We have no power to say that she is an American citizen, but is not for the purposes of a particular act. We can not do that. I do not think we ought to place in this act provisions which are clearly unconstitutional. We go a long way. I am in favor of going a long way. I would like to exclude this class of people entirely. I think it is wiser in the end to maintain the rights of American citizens, where they are constituted American citizens, than it is to deport some criminal. [Applause.]

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HOWARD. As I understand this provision, it is intended to provide that an alien woman of the character set forth in the provision can not hide behind the citizenship of her husband by marrying an American citizen, when without that marriage the Government of the United States would have the right to deport her. Now for instance, take a moral pervert, a man who would marry such a woman, who would go into collusion with her. She is about to be deported on account of her character. She marries this man on the spur of the moment to prevent deportation. This section seeks to provide that that woman shall not by that marriage be vested with American citizenship.

Mr. MANN. Oh, not at all.

Mr. HOWARD. That is what I understand.

Mr. MANN. Not at all. It says "for the purposes of this act" she shall not be an American citizen; and if a person is an American citizen for one purpose, that person is an American citizen for all purposes, and Congress can not by statute provide otherwise.

Mr. BURNETT. Would it meet the gentleman's objection to strike out the words "for the purposes of this act"? Then it would read—

That the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.

Mr. MANN. I should think that would be a constitutional provision. How much it would interfere with the decisions of courts in reference to inheritance I do not know. It is quite important with reference to a great many laws to know whether a person is an American citizen or not, but I think that amendment would make the provision constitutional.

Mr. BURNETT. Mr. Chairman, I see the force of the suggestion of the gentleman. Naturalization and citizenship, however, are entirely within the purview of the laws of Congress. As was suggested a moment ago, we decitizenize people who leave this country and are absent from it a certain length of time. The committee have no more desire than the gentleman from Illinois or any other gentleman has to enact an unconstitutional law, no matter how beneficial it may seem to be; and in order to meet the suggestion of the gentleman, I move to strike out of line 3, on page 41, the words "for the purposes of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The amendment was agreed to.

Mr. POWERS. Mr. Chairman, I wish to offer an amendment.

Mr. MANN. I have an amendment pending to strike out the proviso. Does the amendment of the gentleman from Kentucky relate to that?

Mr. POWERS. No.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the proviso.

Mr. BENNET. Mr. Chairman, I want to be heard in favor of the motion of the gentleman from Illinois to strike out the proviso. As I understand the parliamentary situation, the motion of the gentleman from Illinois [Mr. MANN] is to strike out the following language:

That the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.

Mr. Chairman, it seems to me that the provision ought to be stricken out. I had it marked in the bill to strike out as it stood, and, while I think it has been made constitutional by the amendment, I do not think it has been made proper or humane. Is there no such thing as reform of a woman, or a man, either, for that matter? And, furthermore, what rights are going to be affected by this very broad language? Do not you see what you are doing? You are putting under the chance of blackmail every alien woman who hereafter marries an American citizen, although she may be chaste as the driven snow, because any man or any woman who has a grudge or prejudice, or simply desires money, can go to that woman and say: "We will bring in proof that you were, to any extent, immoral prior to your marriage; we will deprive you of your American citizenship; we will affect the rights of property; we will cast a doubt on the citizenship of you and your children."

There is absolutely no limit to the possibilities of this amendment. Now, the cases affected are few. As I remember, in the investigation by the immigration committee we were never able to find but two authentic cases where a known certain prostitute gained American citizenship by marriage to an American citizen; and for these few cases we purpose to cast a doubt on the citizenship of every alien woman that hereafter marries an American citizen. "De minimis non curat lex" is a good old legal maxim. By attempting to meet these rare cases we cast a doubt upon the citizenship of thousands. I sincerely hope that the motion of the gentleman from Illinois will prevail.

Mr. MANN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. BENNET. I do not object, Mr. Chairman; I will renew it.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois will be withdrawn.

There was no objection.

Mr. BENNET. Mr. Chairman, I renew it. I am perfectly willing to take the onus of it.

Mr. BURNETT. Mr. Chairman, if, as the gentleman says, it is a matter of infrequent occurrence, there would not be anything serious about it, but I am informed by the representatives of the department that it is a matter of frequent occurrence that whenever they go after a woman of that character the woman gets behind some pimp or procurer and he himself mar-

ries the woman or gets some one else to do it. It is a serious proposition, and I hope that the amendment of the gentleman from New York will not be adopted.

Mr. McLAUGHLIN. Mr. Chairman, I have an amendment to perfect the section.

The CHAIRMAN. Is it an amendment to the pending amendment?

Mr. McLAUGHLIN. It is an amendment to the paragraph to perfect the text.

Mr. BURNETT. Mr. Chairman, I move to close debate on the proviso in five minutes.

Mr. CANNON. Let the amendment of the gentleman from Michigan be reported first.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, line 7, after the word "citizenship," add the following: "if the marriage of such alien female shall be solemnized after her arrest or after the commission of the acts which make her liable to deportation under this act."

The CHAIRMAN. The gentleman from Alabama moves that all debate be closed at the expiration of five minutes on this proviso.

The motion was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I was impressed by the argument of the gentleman from Illinois to the effect that this proviso may be or is unconstitutional. I doubt very much myself if Congress can in an act of this kind provide that under certain circumstances citizenship shall not invest, whereas other laws provide that there shall be citizenship, with all rights pertaining thereto. I appreciate what the gentleman from New York [Mr. BENNET] and the gentleman from Alabama [Mr. BURNETT] have said, that sometimes females take advantage of marriage to evade deportation, and it is a vicious practice. It seems to me that my amendment would meet that trouble. If the marriage is solemnized after the arrest, after the female is subject to arrest, or after she has committed acts or has been guilty of conduct making her liable to arrest and deportation, then her marriage shall not protect her, shall not invest her with citizenship. It seems to me that that will remove the objections raised and meet the situation entirely.

Mr. BURNETT. Mr. Chairman, I think that is not a bad amendment.

Mr. BENNET. If it is adopted I will withdraw my amendment.

Mr. SABATH. Mr. Chairman, I wish to say that the amendment of the gentleman from Michigan will do what was in the minds of the committee, and I suggest that the gentleman from New York withdraw his amendment and ask that the amendment of the gentleman from Michigan be adopted.

Mr. BENNET. I will do it, with the additional suggestion that in lines 4 and 6 you strike out the word "female" and insert "woman." That is a matter of taste, but I think it is more modern.

Mr. MANN. But let me suggest to the gentleman that there has been a question as to the definition of the word "woman," whether it includes girl.

Mr. BENNET. I will not insist on that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan to perfect the text.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection? There was no objection.

Mr. POWERS. Mr. Chairman, I ask that the Clerk report the amendment that I have sent to the desk.

The Clerk read as follows:

Page 41, line 11, after the word "court" insert the words "or judge thereof." And in line 12, page 41, after the word "sentence," insert the words "or within 30 days thereafter, due notice having first been given to a representative of the State."

Mr. POWERS. Mr. Chairman, this amendment seeks to give the judge a little more discretion in the matter and the prisoner a little more time. It has been contended here, and, I think, with a good deal of force, that after the term of court has passed at which the prisoner was sentenced the judge would not have any jurisdiction over his case. I think that is correct; but in putting after the word "court," in line 11, the words "or judge thereof," and after the word "sentenced" the words "or within 30 days thereafter, due notice having first been given to the representatives of the State," even though the term of court had passed, the judge of that court would have the power to make this recommendation, while the court itself would not have the power. The amendment, if adopted, would do this. Instead of compelling the court or the judge of the

court at the time of imposing the sentence or of passing judgment to make his recommendation to the Secretary of Labor that said alien should not be deported it gives 30 days after passing judgment or imposing sentence in which to act on this proposition. I believe that things might arise within 30 days after the sentence has been passed that would completely change the mind of the court and make him aware within that time that he ought to make his recommendation when he would not know it immediately after passing sentence. The State, under my amendment, is to have due notice of the proposed action of the judge or court. I helped to frame and am heartily in favor of this bill, but I believe this amendment ought to pass.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BURNETT) there were—ayes 42, noes 27.

So the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, and desire the attention of the gentleman from Alabama [Mr. BURNETT]. Or page 42, line 8, are the words "now existing." That does not seem to me very good legislation. If this Congress or a succeeding Congress amended the immigration law, or a new treaty was made, as new treaties are being made all of the time, then we would have this curious situation, that the decision of the Secretary under a treaty now existing would be legal, but a decision of the Secretary under a subsequent treaty or act would not be. I simply call the attention of the gentleman to that.

Mr. MANN. That clearly ought to go out.

Mr. BURNETT. What is the suggestion of the gentleman?

Mr. BENNET. If I were in charge of the bill, I think I would move to strike out the words "now existing."

Mr. BURNETT. There is no objection to that. It is merely carrying the language of the old law.

Mr. BENNET. Mr. Chairman, I move to strike out the words "now existing."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words for this purpose. The statement has been made repeatedly that this is existing law. The gentleman is in error about that. While it does not make any particular difference, we may as well have the question straight. The existing law is in section 25, and provides:

The decision of the appropriate immigration officer, if adverse to the admission of such alien, shall be final unless reversed on appeal to the Secretary of Labor.

It is about as broad as it is long, because the aliens always go up before a board of special inquiry; but in the case of Rosen, in which my colleague Mr. LONDON and I were interested as counsel, we brought that matter to the attention of the United States Court of Appeals in the second circuit, and we obtained a decision that neither the Secretary nor the board of special inquiry could make a decision except upon facts, and that the writ of habeas corpus has some efficacy left. It is an immaterial matter, but I thought I would straighten it out.

Mr. BURNETT. All of the courts, except the court to which the gentleman has referred, have held that it applies.

Mr. BENNET. Yes; but that is the latest decision. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If deportation proceedings are instituted later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Labor to take on board, guard

safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, the said Secretary shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than \$500 with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

Mr. BURNETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 44, line 3, strike out the words "like manner" and insert in lieu thereof the words "the same manner as the expense of deporting the accompanied alien is defrayed."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers and induced and assisted immigrants, may employ, for such purposes and for detail upon additional service under this act when not so engaged, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the Official Register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act \$100,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Alabama to explain the proviso on page 46, commencing at line 15.

Mr. BURNETT. Mr. Chairman, that proviso reads as follows:

That if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital—

That is, they are not to be delayed; they are to come right in and go to the husband or father. The proviso continues:

and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed, even though such person is unable to pay the expense of treatment, in which case the expense shall be paid from the appropriation for the enforcement of this act.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. I yield.

Mr. MANN. Of course the purpose of this is to effect the first entrance of the wife or minor children into the United States.

Mr. BURNETT. Yes.

Mr. MANN. Suppose a naturalized citizen goes abroad with his family and comes home before his family does, which is not an unusual thing, I believe, and then sends for his wife and children, who have not only been naturalized but are citizens of the United States.

Mr. BURNETT. They are citizens in that case. The wife and children are citizens—

Mr. BENNET. Oh, the gentleman is mistaken.

Mr. MANN. Whether they are citizens or not, this undertakes to govern their detention; and as we have the right to detain an American citizen who has a contagious disease, I take it that that is what the purpose of this is.

Mr. BURNETT. The purpose of that was to give to one who is a naturalized citizen before birth of his children or marriage of a wife an advantage over the wife or children of one who was married or born before naturalization.

Mr. MANN. This case might easily arise: A man comes over here from abroad and is naturalized; marries an American wife; raises some American children; goes abroad on a trip; comes home ahead of his wife and children, his wife and children to follow him. One of those children is found to have tuberculosis of some stage coming under the terms of this bill. That child would have to be put in a hospital and remain

there possibly for the balance of its life, and a hospital over at Ellis Island.

Mr. BENNET. Mr. Chairman, I think the gentleman from Illinois is wrong. I think that the proviso is intended to do away with the severity of the prior provision.

Mr. MANN. I am not speaking of the proviso, I am speaking of the prior provision. Maybe the proviso does away with that part of it, but it would not if the child had been born prior to naturalization. Of course, a case of that sort may not arise often, but it may arise and is certain to arise at some time. Oh, if the gentleman will state that that is not the intention, I will be perfectly satisfied. I suppose the real purpose of this is, in the main, to give an entrance to the wife and child of the alien who has come over here first—

Mr. BURNETT. Yes.

Mr. MANN. And filed his declaration to become a citizen of the United States.

Mr. BURNETT. Yes.

Mr. MANN. And to give admission to the wife and children left behind when they come on, as they may in the course of a year; but, of course, it covers every conceivable case in language.

Mr. BENNET. Mr. Chairman, if I have time, I desire to say I think the section now drafted is in the best form it has ever been in for the alien; that is, it has been humanized, and I am not criticizing the committee. I think this last proviso is all right and is a very excellent proviso, and I ask unanimous consent to withdraw my pro forma amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of or coming to the United States from or through Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act, for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Labor: *Provided*, That no person, company, or transportation line engaged in carrying alien passengers for hire from Canada or Mexico to the United States, whether by land or water, shall be allowed to land any such passengers in the United States without providing suitable and approved landing stations, conveniently located, at the point or points of entry. The Commissioner General of Immigration is hereby authorized and empowered to prescribe the conditions, not inconsistent with law, under which the above-mentioned landing stations shall be deemed suitable within the meaning of this section. Any person, company, or transportation line landing an alien passenger in the United States without compliance with the requirement herein set forth shall be deemed to have violated section 8 of this act, and upon conviction shall be subject to the penalty therein prescribed: *Provided further*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors: *Provided further*, That in prescribing rules and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory, due care shall be exercised to avoid any discriminatory action in favor of foreign transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this act which would apply were they bringing such aliens directly to seaports of the United States, and, from and after the taking effect of this act, no alien applying for admission from foreign contiguous territory shall be permitted to enter

the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this act, or that he entered such territory more than two years prior to the date of his application for admission to the United States.

The committee amendment was read, as follows:

Page 47, line 21, strike out the words "along the borders of or."

The question was taken, and the amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 13, after the word "entered," insert "or has resided in."

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 7, after the word "thereunder," insert the words "he shall provide for the rotation of the clerical force so that each member shall have actual experience in work at a sea or harbor port."

Mr. MANN. Mr. Chairman, may we have the amendment again reported?

The amendment was again reported.

Mr. HUMPHREY of Washington. Mr. Chairman, I have had this matter called to my attention, although I have had it in mind before, by the president of the Washington State Federation of Labor, in a letter addressed to the Secretary of Labor, and I read one paragraph, where he says:

At the time the Burnett bill was pending I suggested an amendment detailing to active field service for a period of years the bureau positions in Washington, D. C. I believe I would extend it to district headquarters of the service as well. My idea is that the men in the service ought to be brought into active contact with fieldwork that they might know from first-hand information the actual conditions that confront the service. I am free to say that I have learned more about the labor movement from actual contact with workmen and working conditions, from being allowed an insight into their working lives, through spending 20 years of my life at a trade, than I ever learned from the printed page, and I am something of a reader at that. Orders in effect in the Army and Navy Departments covering compulsory field service seem to have good effect in that branch of Government service.

Now, the purpose of this amendment is to have the Secretary take these men who sit here in Washington city and make them go out and have some actual experience, have some field service; make them go to the seaboard or send them to the border ports, and there find out something instead of keeping them here in the bureau constantly. I think it would be a good thing for the service, and I hope the Secretary will see fit to do this. We have too much of the idea of a man getting in a bureau, staying there, and then dictating to the whole service when he has had no actual experience. I remember a little experience that occurred to myself. One time I wanted to get a commissioner of immigration at Seattle. I went down to talk to the bureau heads. They told me very frankly I could not have it; that they did not intend to have any commissioner of immigration at Seattle. I then went to talk to the Secretary and laid the matter before him, and he granted my request and a commissioner was appointed. I cite that to show the feeling in the bureau. They think they ought to control the whole immigration matter. If we can get some of these men who sit behind desks to go out to these different immigration stations, they will know more and it will be better for the service and better for them. I hope the committee will adopt my amendment.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. Just what does the amendment propose. I have heard it read twice, but I do not now know.

Mr. HUMPHREY of Washington. Well, as near as the gentleman from New York and the gentleman from Washington were able to put it in an amendment what we intended, after consultation, was to have these clerks in the office bureaus here in Washington City rotate and be sent out to these different stations, various seaports, and along the borders, so that they might have some actual experience as to how these affairs were managed.

Mr. MANN. What would they do at those places? Just look on?

Mr. HUMPHREY of Washington. Why, no; take the place of somebody already there and let somebody there be brought to Washington, so that the whole service may have the benefit of actual experience.

Mr. MANN. Would it just be to bring them here to do clerical work, or something else?

Mr. HUMPHREY of Washington. No; it provides for the whole class of the service.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. If the amendment of the gentleman from Washington should be adopted you would not have any Department of Labor so far as the Immigration Service goes. You would have the men between the clouds and the earth, and nobody would know anything about what was going on in connection with the department at all. A man might be a first-class clerk and would not know anything at all about inspecting immigrants. He might be a first-class inspector and he would not know anything at all about office work. And the result of the amendment, if it was put into the law, would be to disorganize the department.

It is true they might be able by this means to get some man who is distasteful transferred from the point where he is to some other place, but I do not believe that any such thing as this ought to go into the law. If any business house was to undertake to move its men from its general office to its different plants and move the men from the plants to the general office, the concern would soon be in bankruptcy. And I apprehend it is just as important to run the business of the Government of the United States on a systematic basis as it is to run a private business on that basis. And if there is any way on earth that you could devise to disturb the system of the office having jurisdiction over immigration, this amendment discovers that way.

Of course, I realize that the gentleman from Washington [Mr. HUMPHREY] and the gentleman from New York [Mr. BENNET] are experts in drawing language, and know how to define the language they draw, and that their intentions are the best; but I would like to find somebody who could define this language who would agree that, after it was defined and put into the bill, it would not destroy the efficiency of the department or the bureau which has jurisdiction over this work.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words of the amendment.

Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] was illuminating, as he always is, but he spoke with a very conspicuous lack of knowledge. What he says can not be done is now in some instances being done, and this provision is simply to confer the benefits generally which are now being conferred partially.

I will give the gentleman an instance. There was an Assistant Commissioner General—I forget the exact title—Mr. F. H. Larned, one of the very best experts on immigration that there is, who was sent from the Washington office to New York and put in charge of the Division of Information. Now, take a good man like Mr. O'Donnell, one of the very best experts, and I think it would improve him if he should be sent to the port of New York, for instance, and exchanged for the time with Mr. Uhl, assistant commissioner, and I think it would improve Mr. Uhl if he could at the same time be sent down here to Washington and be given an insight into the way the other end of the proposition works. And so on throughout the different men of the bureau.

One of the growing troubles of our establishment is the lack of practical, thorough knowledge of the operations of the departments on the part of the men who have to operate them. And a man like Mr. O'Donnell, who knows a tremendous deal about immigration, would be a very much better man in the service if he could be given what I have suggested or could be sent out to Chicago to open that new inland immigration station—

Mr. MADDEN. That is open now.

Mr. BENNET. To be in charge of that new inland immigration station which was authorized through the efforts of the gentleman from Illinois [Mr. SABATH] sometime since. He would come back and know something about those things.

I think the American Federation of Labor is right in this matter, and the gentleman who wrote that letter was magnanimous enough to admit that he in his own business had found himself a better man for the service of his great organization by going back to the local and seeing how matters were conducted there. And that would be just the same way here. If these men from Washington, good men, got actual experience, it would help them, and if the men of the grade of Mr. Uhl could be sent to Washington and permitted to learn the environment here, that would be a good thing also. And I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York [Mr. BENNET] withdraw his pro forma amendment?

Mr. MANN. Mr. Chairman, I do not think the last two words of the amendment should be stricken out, though I am not so sure that the amendment itself ought to go in. I would like to ask the gentleman from New York why these transfers

are not now made if it is a wise thing to do? The department understands the need of it, I assume.

Mr. BENNET. Oh, Mr. Chairman, I am not in the confidence of the present Secretary of Labor. I do not know why he does not do a good many things that I think he might do, and I am not criticizing him. I simply point out the fact that he has done it; that he has exercised the power; that he has done what some of the gentlemen said could not be done, and done it in the case of a very conspicuous man. There are other cases. I can not remember the name of the man at present, but a gentleman was transferred from the Washington office to Los Angeles. I think I have answered the inquiry of the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I appreciate the desire of the gentleman from Washington to insert this amendment at the suggestion of the American Federation of Labor, for whose opinion I have great respect, yet all the legislation we have had in recent years—and there has been quite a lot of it—has been directed to prevent the departments in Washington loading up here with clerks and other employees in order that they may send them out into the field. That used to be a very common practice, namely, to come in and get an appropriation for the purpose of providing clerks and other employees in Washington in order to transfer them out to every place where they could not have gotten an appropriation to locate them. And all of the legislation in recent years has been toward preventing that thing being done. I question very much whether a clerk performing clerical work in Washington will learn anything more about his duty by going over to New York City. Doubtless he would have a better time sometimes. Perhaps he would enjoy the trip there. But remember—and the gentlemen seem to have forgotten it—that if he is authorized to be transferred to these places he is there temporarily on a salary, and subsistence in addition, and his traveling expenses paid besides. I have known cases in Washington in the old days where somebody employed here was assigned permanently, practically, to some office in New York or Philadelphia, and temporarily, theoretically, drawing a full salary and subsistence of \$3 a day in addition all the time. That is what they would do under this amendment wherever they would go. People out there who would be brought here would be drawing salary and subsistence here; the people over here would be sent out there and would be drawing salary and subsistence there, and their traveling expenses, too, besides. For what? In order that somebody in Seattle might teach a clerk how to write, I suppose, or how to add up figures. That is what it would amount to. I appreciate the desire of the gentleman to confer knowledge upon these people, but the truth is it takes more than traveling around the country from one port to another to acquire the ability to do this class of work. People without some information to begin with never will make successful employees of the Government, and merely moving them from one place to another will not add very much to their sum of knowledge.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two minutes in order to ask the gentleman from Alabama [Mr. BURNETT] a question.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BENNET. I would like to ask the gentleman from Alabama, who has means of acquiring information, to give me the answer to this question: Is Mr. Larned, who was transferred from the Washington office to New York City to take charge of the Division of Information, drawing subsistence at the rate of \$3 a day or any other rate?

Mr. STAFFORD. Five dollars a day.

Mr. BURNETT. I understand he is not.

Mr. MANN. If he is permanently transferred, he is not.

Mr. BENNET. He is transferred to New York City and put in charge of the Division of Information. So it can be done, and all these dire and dreadful things that the gentleman from Illinois [Mr. MANN] has said would happen did not happen in that case.

Mr. MANN. A permanent transfer is under the existing law. These are temporary and moving. Under the law they would get subsistence in addition to their salary and traveling expenses.

Mr. BENNET. Oh, Mr. Chairman, once in my life, for seven months, I had the power to appoint people to office—six or seven people.

Mr. MADDEN. And you did hesitate to do it?

Mr. BENNET. Yes, I did it; and I had the power, in connection with other gentlemen, to make transfers. We made permanent transfers. Sometimes they lasted as long as a week, and

then we would make a permanent transfer back. There is no difficulty in making a permanent transfer under the civil-service law. That is the civil-service law to-day. You put in a proposition to make a transfer. A person is transferred, and 24 hours after that you can make another transfer and transfer him back.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. MADDEN. The gentleman will concede that it is quite a different thing to transfer an expert from one place to another from what it is to transfer a whole force, regardless of whether they have any knowledge of the situation or not.

Mr. BENNET. This does not contemplate that.

Mr. MADDEN. It contemplates transferring everybody.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

Mr. BURNETT. Mr. Chairman, I can not think that the gentleman from Washington [Mr. HUMPHREY] is serious in offering this amendment. If this amendment is adopted there is no reason why other clerks in other departments could not be shifted around from time to time.

The gentleman a few days ago refused to increase the number of hours of work for clerks to eight hours. This transfer is not applied to anyone else. It is presumed that the heads of these departments will put the proper men in the proper places, and if they undertake to do something of this kind and have a man unfit to perform his duties at Seattle, we will say, under the law, and in the discretion of the Secretary of Labor, the Superintendent of Immigration may remedy that situation. The man may be well qualified for some other position. I do not think that the gentleman is seriously contending for such a thing.

Mr. Chairman, I ask that all debate close on this amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this amendment be closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to have the attention of the gentleman from Alabama [Mr. BURNETT]. I observe on page 48, where there is an outline of the duties and the powers of the Commissioner of Immigration, the language is as follows:

He may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries.

Does the act contemplate that certain surgeons who rightfully belong to the Public Health Service, under the Treasury Department, are to be assigned by that department to the Immigration Service, and who will then be detailed in foreign countries?

Mr. BURNETT. Yes.

Mr. MILLER of Minnesota. That being true, is their supervision and control then vested entirely in the Department of Labor, and are they no longer connected with the Treasury Department?

Mr. BURNETT. I did not catch the question. This is the present law; it is the existing law; and has been the law for quite awhile. They never availed themselves of that. However, they have been detailed. There is a surgeon now at Naples who has been detailed there without opposition from that country. But we can not do that where there is opposition. At Naples and other places where there is no opposition we have American doctors detailed.

Mr. MILLER of Minnesota. Here is about the way it reads: "He may \* \* \* detail \* \* \* surgeons of the United States Public Health Service employed under this act for service in foreign countries."

What I want to know is this: Can he take them out of the Treasury Department here, where they now are, and send them to foreign countries for service, or does he take surgeons who have been heretofore transferred from the Treasury Department and detail them from The Hague to Rome and Naples and other places?

Mr. BURNETT. The language, I confess, is somewhat obscure, but as a matter of practice they detail their own experienced surgeons.

Mr. MILLER of Minnesota. The reason why I make the inquiry is this: These surgeons are under the Secretary of the Treasury—

Mr. BURNETT. Yes.

Mr. MILLER of Minnesota. Now, if they are going to be transferred to some other service, there must be some direction to the head of some department to transfer them.

Mr. BURNETT. Of course, there could be no detail, except with the consent of the Treasury Department.

Mr. MILLER of Minnesota. Then I was going to inquire who made the selections of the people to be detailed. I will say to the gentleman that in my own district there are two places that receive most of the immigrants. One is on the Canadian border, where the transcontinental lines cross from Canada to Minnesota. The other is at the city of Duluth, where the steamboat lines coming from the Canadian ports bring down the immigrants. There are commissioners of the Public Health Service at both places making the proper inspection. Now, I have never been able to find out just how those men are employed, and under whose direction they are. They appear to be under direction of the Chief of the Public Health Service. If it is the purpose of this bill that these men shall inspect these immigrants, and that the Secretary of Labor can send them to Winnipeg or Quebec, I would like to know it.

Then there is another and an additional thing that I want to inquire about. There are differences about the compensation of these men. Their compensation is not uniform. In fact, the compensation is in most cases grossly inadequate.

Mr. BURNETT. As I understand it, the Treasury Department fixes the compensation. That is the department by which they are employed. Now, with the consent of that department, they are detailed by the Secretary of Labor and directed as to how to carry out their duties and are controlled by the Secretary of Labor in the administration of the law. He is the administrative officer.

Mr. MILLER of Minnesota. Does the gentleman think that this language will enable the Secretary of Labor to detail anybody he wants, against the wishes of the Secretary of the Treasury?

Mr. BURNETT. I should not think so.

Mr. MILLER of Minnesota. I do not think so, either.

Mr. BURNETT. I should not think so, at all. I will say to the gentleman that it ought not to be so.

Mr. MILLER of Minnesota. Does not the gentleman think that language ought to be more specific, outlining the circumstances and conditions under which these men can be detailed?

Mr. BURNETT. I understand the gentleman to suggest the words "with the consent of the Secretary of the Treasury," or something of that kind. This has been the law for many years. There is a gentleman sitting by me who has been connected with the bureau for a long time, a great many more years than the Commissioner General or the Secretary of Labor, and he informs me that there never has been any trouble about it.

Mr. MILLER of Minnesota. Of course there has never been any trouble in the way of conflicts between the two departments, perhaps, but there certainly has been a great deal of uncertainty about their employment.

Mr. FESS. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. FESS. As I understand, the gentleman thinks we ought to have the permission of the Secretary of the Treasury to take the party from his department. Why not put it that way, that he may, with the approval of the Secretary of Labor and the Secretary of the Treasury?

Mr. BURNETT. My answer to that is that it would give it no more force or effect than it now has. He could not do it without the consent of the Secretary of the Treasury, anyhow; and if that is so, why put in something that does not give him any more power than he now has?

Mr. FESS. If that be true, then it would be unnecessary.

Mr. BURNETT. I think so.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. HUMPHREY of Washington. I move to strike out the last word. The other day I understood the chairman of the committee to say that he thought the language on page 49 took care of the situation with reference to the contract that this Government has with the Canadian Pacific Railway in reference to the handling of Chinese. Now, I have another of those famous orders in council which I wish to read to the committee:

From and after the date hereof the landing in Canada shall be, and the same is hereby, prohibited of any immigrant who has come to Canada otherwise than by a continuous journey from the country of which he is a native or a naturalized citizen and upon a through ticket purchased in that country or prepaid in Canada.

That is in substantiation of what I said the other day, that while the Chinese coming to the United States under this order in council come through Canada and under an agreement that this country has with the Canadian Pacific Railway most of them come that way, yet a Chinaman can not come to Seattle and from Seattle go up to Vancouver. I have in my hand a copy of that agreement of the United States entered into with the Canadian Pacific Railway. I want to repeat what I said the other day, that I think it is a disgrace to this Nation that the United States has to go into partnership with the Canadian Pacific Railway, and in return for that partnership agreement the Canadian Pacific Railway gets this Chinese traffic. Practically all of the Chinese who enter this country to-day coming into the Northwest are carried over the Canadian Pacific Railway. Not only that, but if a Chinaman is on his way to eastern Mexico or to the West Indies he comes through Vancouver and is carried by the Canadian Pacific Railway, and in consideration for this favor the Canadian Pacific Railway furnishes offices for the force of the American Immigration Service. I called attention to this yesterday. As a part of this agreement—which I look upon as absolutely discreditable to the United States—the whole Pacific coast service is placed under the Montreal office, across the continent. Not only that, but the Montreal office is now trying to get all of Alaska under its control, and, largely, the purpose of all of it is to benefit the Canadian Pacific Railway. In reading reports of the evidence taken a few days ago before a commission from the Immigration Department to investigate this subject I have been surprised to find that Mr. Clark, the immigration commissioner up at Montreal, appeared before that commission and made an argument in favor of the Canadian Pacific Railway. I do not believe you are going to have the kind of service you ought to have on that border until you get rid of Mr. Clark.

Mr. BENNET. Will the gentleman yield for an inquiry?

Mr. HUMPHREY of Washington. Yes.

Mr. BENNET. Did I understand the gentleman correctly to say that an official of the United States Government appeared before the commission and advocated something desired by a railway company owned in a foreign country?

Mr. HUMPHREY of Washington. If I had the time I would read it. I have it here on my desk.

Mr. BENNET. I think the gentleman ought to take the time.

Mr. HUMPHREY of Washington. Mr. Clark went on to argue in favor of this agreement made between the Government and the Canadian Pacific Railway. It has been charged a good many times within the last few years that Mr. Clark was not representing the United States but the Canadian Pacific Railway. I never believed there was very much in that statement, but since reading this evidence I think it at least ought to be called to the attention of the Commissioner of Immigration.

The reason I have not offered an amendment to take care of this situation is this: The department has the authority under existing law to change this condition without any amendment. The Commissioner of Immigration has been investigating this subject. He has not yet made his report, and I do not want to anticipate that report by offering any amendment here upon the floor of the House to compel him to do something that I hope and trust he will do anyway. But that condition that exists in Seattle and Vancouver on the Pacific coast has reached such a point that unless the Commissioner of Immigration and the department do take some action by the time we have another opportunity I am going to present to this House resolutions to investigate and see what is the reason why this country has to stay in partnership with a foreign railway and have them furnish us a place to conduct the business of the United States.

Mr. BENNET. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. BENNET. Is this Mr. Clark the same official of our Government who issued an order that an American citizen enlisting in the British Army did not thereby forfeit his American citizenship?

Mr. HUMPHREY of Washington. I presume so, because that would be characteristic of him. If there was anything un-American that he could do, he would probably do it.

Mr. MANN. Mr. Chairman, there has been a good deal of criticism of Mr. Clark or somebody else for making the statement that an American citizen enlisting in a foreign army did not forfeit his American citizenship, and I have wondered many times whether the same critic would criticize Lafayette and many other volunteers who enlisted in the Army of the United States or its predecessor. I have wondered many times whether the Canadians who came over the border during the Civil War and enlisted in the Army of the United States were, in the opin-

ion of these gentlemen, without any citizenship after they had enlisted. They did not become American citizens, but some of these critics say they had lost their Canadian citizenship and were people, because of their patriotism or enthusiasm, without a country. I think if Mr. Clark made the statement that an American citizen did not lose his citizenship because he enlisted in a war abroad, he made a correct statement. I hope that the time will never come in this country when, if we are engaged in war and some aliens in our own land who have not yet become American citizens want to go out and help fight our battles, that we will say that they are men without a country and without citizenship; that we have not made them American citizens, and they have lost their citizenship at home.

I do not know Mr. Clark, but, so far as that opinion goes, I am inclined to think he was steering on the right course, notwithstanding the criticism that has been leveled at the department on that subject.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McLAUGHLIN. The gentleman is familiar with the fact that men who enlisted and served on the side of the Union during the Civil War were preferred and had certain privileges when they applied for citizenship.

Mr. GORDON. That naturalized them.

Mr. MANN. No; it did not naturalize them.

Mr. GORDON. That was the sole ground.

Mr. McLAUGHLIN. They were entitled to certain privileges?

Mr. MANN. I say that we encouraged it; we encouraged them, and anybody with good sense would encourage help when they needed it.

Mr. GORDON. Is it not a fact that proof of enlistment in the Union Army during the Civil War was proof sufficient to dispense with the original declaration of intention to become an American citizen?

Mr. MANN. I think very likely. We desired to make them American citizens. What I am saying is that we did not desire merely because they enlisted to leave them without any citizenship, but on the contrary, when they did file papers, they were compelled to renounce their citizenship abroad on the theory that they held it up to that time.

Mr. FESS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FESS. If my memory serves me, service in the war for one year on land was all that was necessary, instead of five years, and at sea in the Navy two years instead of five years.

Mr. McLAUGHLIN. Yes; but it was still necessary for the alien to apply to the court and prove his service and it was accepted as sufficient.

Mr. MANN. We gave them every encouragement we could, of course, very properly. I am not saying this because I think American citizens ought now to engage in a foreign war. I think we ought to keep out of it on both sides, not only by soldiers but in every other way. I do not think that we can take the position that a man loses his American citizenship and at the same time claim that if you enlist on our side you still retain the foreign citizenship.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words. Up to the 2d of March, 1907, the law of our country was precisely along the line stated by the gentleman from Illinois. We recognized the right of an American citizen to go abroad and enlist in a foreign army and come back and remain an American citizen. There are at least two decisions of courts to that effect. On the 2d of March, 1907, this Congress passed an act in reference to expatriation, one of the provisions of which was that an American citizen should be deemed to have expatriated himself when he has taken an oath of allegiance to any foreign State.

Under the Canadian enlistment law, which is the British enlistment law, a man enlisting in the British Army takes the oath of allegiance to Great Britain. On, I think, the 6th of December, 1914, the Department of State, which has the right, it seems to me, in the first instance at least, to construe our statutes in relation to citizenship, issued a circular to which I have inserted a reference in the Record on the 17th of March, in which they advised American citizens that while they had a right to expatriate themselves that if they took an oath of allegiance to a foreign Government when enlisting in a foreign army they did expatriate themselves. What I object to in Mr. Clark is that, in the first place, the Department of Labor is not the proper department of the Government to issue decisions in relation to citizenship. That is one of the duties of the Department of State.

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GORDON. Is not Mr. Clark called upon officially to determine a man's citizenship in a case of immigration?

Mr. BENNET. Yes; but that was not the case.

Mr. GORDON. That was how the case arose.

Mr. BENNET. The case arose by a man who attempted to come in at Detroit. That presents my second ground of objection. The commissioner of immigration in Canada ought not to have presumed to pass on a question of citizenship but should have referred it to the Department of Labor at Washington. I will say to the gentleman that subsequently the matter was referred to the Department of Labor, and the Department of Labor has substantially ruled both ways on the question, one of the rulings being in a letter to my colleague, Mr. PATTEN. We have the condition of the Department of State holding in an official proclamation that a man when he took the oath of allegiance expatriated himself and the Department of Labor holding precisely the opposite.

I have taken the matter up myself with the Solicitor of the Department of Labor, and he has admitted to me—

Mr. GORDON. It is a question of law, is it not, purely?

Mr. BENNET. Yes.

Mr. MANN. Under this supposed decision of the State Department, of what country is the man a citizen?

Mr. BENNET. Our State Department is not called upon to pass any further on the matter than that he has expatriated himself as a citizen of our country under the act which we passed.

Mr. MANN. We have passed upon the question that the mere taking of the oath of allegiance in the United States does not make a man a citizen here. Take the Indian depredation cases, where a man held office here and must have taken the oath a great many times. He was still an alien although he thought he was a citizen all of his life.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this section conclude in two minutes, to be occupied by the gentleman from New York.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Pennsylvania. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Pennsylvania. Would it be in order to ask unanimous consent that this committee remain in continuous session until this bill is reported and all amendments thereto are disposed of?

The CHAIRMAN. The Chair thinks it would at the appropriate time. It could not be done now, because the gentleman from New York has the floor.

Mr. MILLER of Pennsylvania. Then, after he is through the Chair will recognize me?

Mr. BENNET. Mr. Chairman, replying to the gentleman from Illinois [Mr. MANN], I want to say that when this act of 1907 was before the House I called the attention of the House to precisely the condition which I said would arise. I was overruled by the House, subsequently overruled by the Attorney General, and now the Department of Labor is proceeding in precise accordance with what I then prophesied would be the condition.

Mr. GORDON. And that was a Republican administration that passed that law in 1907, was it not?

Mr. BENNET. Oh, of course. That is history.

Mr. GORDON. But the gentleman was just complaining here that this difference of opinion resulted because there was a Democratic administration in power.

Mr. BENNET. I made that complaint, and made it correctly.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. FESS. There is such a situation in which a man would not be a citizen of any country, is there not?

Mr. BENNET. I imagine so.

Mr. FESS. When a foreigner makes his application and renounces his allegiance to a foreign country, when does he cease to be a citizen of the foreign country?

Mr. BENNET. I do not know, I will say to the gentleman.

Mr. FESS. Is there such an interregnum between the time he ceases to be a citizen of one country and becomes a citizen of another?

Mr. BENNET. We passed an act in the Sixty-second Congress to confer American citizenship upon a man named Smith, who, so far as we could find out, had no citizenship anywhere.

The CHAIRMAN. The time of the gentleman from New York has expired, and the Clerk will read.

The Clerk read as follows:

Sec. 22. That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held, under such regulations as the Secretary of Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted: *Provided*, That if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed, even though such person is unable to pay the expense of treatment, in which case the expense shall be paid from the appropriation for the enforcement of this act.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following two amendments which I send to the desk and ask to have read, and I ask unanimous consent that they may be read and considered together.

The CHAIRMAN. Without objection, that will be done. There was no objection.

The Clerk read as follows:

Page 51, line 7, after the word "act," strike out "\$100,000" and insert "\$200,000."

Page 51, line 10, after the word "employment," insert "and to purchase a launch suitable for such purpose, to be used by the Department of Labor on Puget Sound in the enforcement of the immigration laws."

Mr. BURNETT. Mr. Chairman, I make the point of order against the last amendment. I will reserve it.

Mr. HUMPHREY of Washington. Mr. Chairman, I will ask the gentleman to reserve it, although I do not believe it is subject to a point of order. I desire to refer once more to the letter written by E. P. Marsh, president of the Washington State Federation of Labor, to the Secretary of Labor on November 5 last. I make no apology for referring to this letter so often, because it treats more fully this question of immigration in relation to our State than any document I have seen. Mr. Marsh has given a great deal of attention to the question of immigration, and especially to immigration coming in from British Columbia, the entering of Chinese into the Puget Sound country. On page 10 of the letter he says:

One or two fast launches are absolutely necessary to patrol Puget Sound waters. At present the only method used is to place inspectors on the boats running on regular schedules, good as far as it goes, but not greatly disturbing the peace of mind of the men profitably engaged in smuggling.

Mr. Chairman, as I recall, there were something like 200 Chinese last year who were arrested and deported, who were taken by these men and placed along the borders. How many came down by water no one can tell. Puget Sound is a body of water about 150 miles long. It is filled with a great many islands and it is an ideal place for smuggling, and the Department of Labor has no vessel at its command to use in that body of water and I offer this amendment for the purpose of calling that situation to the attention of the chairman of the committee. If I may say further, to show something of the magnitude of the problem we have to deal with out there, it is estimated that there are 30,000 Chinese in Canada, a great many of them in British Columbia, and I am not sure but what there are some 30,000 in British Columbia. During the years 1912 and 1913, 7,078 Chinese came into Canada and during the last year over 5,000.

It shows the problem we have to deal with out there, and they come into this country literally by the hundreds, and the department ought to be furnished with a suitable launch in order that they might effectively make its patrol, and when the Federation of Labor of my State protests against this and points out this evil after full investigation I feel fully justified in offering this amendment and urging it upon the attention of the committee, and I hope it will be adopted.

Mr. BURNETT. Mr. Chairman, there is no point made against the increased appropriation from \$100,000 to \$200,000, but I desire to oppose that. The gentleman from New York and the gentleman from Washington do not agree there, because my friend from New York told me he wanted it decreased to \$50,000. Now, there is a great amount of work for them; there is no doubt about that; and, as has been said by the gentleman from Washington, there is an immense amount of smuggling going on

across the line, but the department is not asking for more money than \$100,000. So far as that is concerned, there is a decrease in immigration to some extent. There is no doubt that there has been this last year a tremendous speeding up in the efforts of these fellows to smuggle Chinese and other undesirable across the border; but, at the same time, the Commissioner General and the Secretary of Labor say, with \$100,000 appropriated for that purpose, they can get along with it. Now, as to the other point: The point of order I make is directed to the purchase of a launch suitable for such purposes, to be used by the Department of Labor on Puget Sound in the enforcement of the immigration laws. I think, Mr. Chairman, that is not germane to this bill or to this section, and, even if it were, I will not discuss the merits only to say that it is a matter of administration with which Congress certainly ought not to interfere. I make the point of order, however.

The CHAIRMAN. The Chair thinks the amendment offered by the gentleman from Washington [Mr. HUMPHREY] is in harmony with the bill, as well as the Chair can apprehend, and the point of order is overruled.

Mr. BURNETT. Mr. Chairman, I only desire to reiterate what I said—that this is an administrative feature. I have no doubt that the Secretary of Labor would be very glad if we could legislate him a launch; but I am not in favor of those things unless we know they are needed, and I am willing to leave with the Secretary of Labor the determination of the question whether it is needed or not. I ask for a vote.

Mr. STAFFORD. Will the gentleman withhold that for a moment?

Mr. BURNETT. Yes.

Mr. STAFFORD. Mr. Chairman, I desire to say that no matter how much we might favor the granting of launches to patrol Puget Sound, I think we all agree that there should not be a duplication of service. This work, so far as the prevention of smuggling is concerned, comes directly within the purview of the Coast Guard Service. In fact, there is a bill pending on the calendar of the House to-day, providing for the construction of motor boats for the very purpose which is the design of the amendment offered by the gentleman from Washington. There is no need for the Department of Labor to use a launch for merely patrolling and keeping out Chinese when there is another department authorized by law to perform that service—the Coast Guard Service, formerly the Revenue-Cutter Service—having the same character of patrol, and where they have a broader and more general purpose, not only to keep out smuggled imports but also the enforcement of the immigration laws. So I take it that it will be merely a waste of funds. We all know the desire of the respective bureaus to amplify their work, and we all agree that the work should be centered in one department, and in this particular instance it is the Treasury Department under the Coast Guard Service. I hope the amendment offered by the gentleman from Washington will be defeated for that very reason, because there is provision made, or proposed to be made, for the Coast Guard Service to undertake this character of service.

The CHAIRMAN. Does the gentleman from Washington desire his amendments to be voted on together?

Mr. HUMPHREY of Washington. If the last one is voted down, I have no desire to increase the amount.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Washington.

The question was taken, and the amendments were rejected.

Mr. MILLER of Pennsylvania. Mr. Chairman, I desire now to request that this committee remain in continuous session until the reading of the bill is concluded and all amendments are disposed of.

Mr. BURNETT. The gentleman need not make that request, for that is going to be done.

The CHAIRMAN. Objection is heard.

Mr. MILLER of Pennsylvania. Another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Pennsylvania. Would it be in order for me to make that request every 15 minutes, because I intend to do it if it is in order?

The CHAIRMAN. The gentleman can make it, and the Chair will rule on it when it is made.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not feel justified in taking up a great deal more time in the discussion of this bill. I have always heretofore favored this bill, and I hope that this time, if the President vetoes it, it will be passed in spite of that fact, and I am one man who stands ready to so vote.

It may be that the literacy test will not accomplish all that some of its friends claim for it, but it will do something. I

think that this is a critical time in the history of this country. When the war in Europe closes there will be greater necessity, in my judgment, than ever before for the restriction of immigration. This bill will, in some degree at least, help to protect our country, and especially will it help to maintain the standard of wages and the standard of living that we have in America.

Of course, I think it of vital importance that this legislation be supplemented by tariff legislation to protect American labor. Unrestricted immigration is little worse for the laboring classes of this country than unrestricted importation. To bring foreign cheap labor into this country is not more destructive to our wage system and to the standard of living of the American workman than is the unrestricted admission into this country of the products of foreign cheap labor. I do not believe the American people will be satisfied until we have accompanied this legislation with a protective-tariff measure. Unless we do this, as soon as the great conflict in Europe closes this country will be flooded with foreign-made goods as it has never been before. It is unnecessary to argue to any reasonable mind that if we buy goods from abroad that it means that much work and that much wages taken from the wage earner at home.

I regret that this bill was not amended so as to compel all aliens coming into the United States by water to enter at a seaport of the United States, and especially would I like to have seen the amendment which I offered adopted that provided that no alien should be admitted to the United States who has entered Canada by a Pacific coast seaport, except at a seaport of the United States. When this amendment was offered it was argued that other provisions in the bill took care of this situation. I am satisfied that this is a mistake. It is true that the department has the power to prescribe the ports of entry, and especially for the Chinese, but while they possess this power it has been impossible to get them to exercise it. For several years, in spite of all protests, our Government has been in partnership with the Canadian Pacific Railroad. The railroad has furnished offices for the immigration inspectors of this country. I look upon such arrangements as distinctly discreditable to this Nation. Of course, in doing this the Canadian Pacific Railroad expects to get its reward, and it does. As a result, it receives the Chinese traffic. I am not especially representing any railroad interest, but, as I have heretofore stated, I do not hesitate to favor an American railroad as against a foreign railroad.

But the Chinese question is not the largest one involved in this proposition. When the war in Europe closes there will probably be a heavy immigration to the Pacific coast through the Panama Canal. Under present conditions these immigrants to the Pacific Northwest will be landed at Vancouver, British Columbia. All the money expended in relation to their examination and detention will be spent in Vancouver instead of in an American city. All advantages will be given to the Canadian Pacific Railroad instead of to an American railroad. The Canadian land agent and promoter will be given the first opportunity to meet these immigrants. They will have the chance to get the cream of this immigration, and those that they can not persuade to remain in Canada and those they do not want will then come into our country. Why this discrimination? Why should not this country favor its own people, as Canada always does? Why should not these foreign steamship companies be compelled to land these immigrants at some port on Puget Sound instead of going to Vancouver? Why is it that this Government must constantly discriminate against its own steamship lines, its own railroad lines, and its own working classes in favor of those in Canada? I submit that I have watched with a great deal of impatience legislation for the past five years with reference to the Pacific Northwest, for I have seen practically every act that has gone upon our statute books discriminate not in favor of the United States but in favor of Canada.

While it may be that the department has power to stop this discrimination, they have shown no desire to do so, and for this reason I think that it was a mistake that the committee refused to adopt my amendment that would have compelled them to take such action.

Now, another thing that is radically wrong. The Vancouver office is under the control of the Montreal office. There is no justification for such action. It is all part of the Canadian Pacific influence that causes this to be done. There can be no good reason why Vancouver should be under the control of the Montreal office, more than 3,000 miles away, instead of under the Seattle office, only a hundred miles away. This situation has become so aggravated and is so unjustified that were it not for the fact that the department is now investigating the question I would introduce a resolution at once calling for an

investigation as to why this situation is permitted to continue. Unless the department by the next session of Congress takes some steps to make this change, I shall proceed to ask for an investigation, to see if the truth can not be ascertained as to why this is done. I am satisfied that this situation is largely because of the attitude of the commissioner of immigration at Montreal, Mr. Clark. I very much fear that Mr. Clark is more favorable to the interests of the Canadian Pacific Railroad than to the interests of his own country.

As a result of the conditions which I have described, a great many Chinese have been coming into the State of Washington from British Columbia that ought not to come. That State has been flooded recently by labor from British Columbia and once in Washington, they have not been permitted to return. I have already called the committee's attention to an order that was issued in council by the Government at Ottawa on the 30th of September, 1915, which contained a provision to the effect that labor, skilled or unskilled, was prohibited from entering British Columbia. I brought to the attention of the committee a case where a young man from Seattle had been working for the Ford Motor Co. in British Columbia for several months. He was a skilled workman. He visited his home in Seattle, and when he attempted to return was, under this order to which I have referred, excluded, and the British Columbia officer stated that if he had not gone home he would have been deported. I am glad to say that upon the presentation of these facts the committee accepted my amendment, which read as follows:

That whenever any foreign country contiguous to the United States shall by statute, Executive order, or otherwise, exclude from its territory any class or classes of citizens of the United States upon grounds different from the grounds for excluding aliens from the United States herein specified, the same class or classes of aliens residing in such contiguous country shall be excluded from the United States so long as such exclusion of United States citizens continues.

This will do a great deal to protect the State of Washington from this labor coming in from British Columbia. I am pleased that at last the American Congress has had the courage and the good judgment to resent this constant discrimination that British Columbia makes against this country.

I consider this one of the most important features of the bill, so far as my State is concerned. For the past two years it has been reported that a large percentage of the unemployed in our State came in from British Columbia, and that more than half of those who applied for public aid in the city of Seattle came from this Province.

The department does not have sufficient assistance to enforce the law in the State of Washington. They ought to have a larger number of inspectors. The department ought also to have a vessel for the purpose of patrolling Puget Sound. I am sorry that the committee did not accept my amendment upon this proposition, although I recognize that this is hardly the proper bill for legislation of that character.

The statements that I have made above have been largely suggested by a letter written by Mr. E. P. Marsh, president of the Washington State Federation of Labor, to Hon. William B. Wilson, Secretary of Labor, under date of November 5, 1915. This letter is the best presentation of the situation, so far as my State is concerned, that I have seen. It shows that Mr. Marsh has given the question a great deal of careful and conscientious consideration. His statement of the case also commends itself strongly for the spirit of fairness and conservatism with which he treats the problem. It is of sufficient importance until I think that, notwithstanding the fact that it is somewhat lengthy, it should be printed in full in the Record. I will insert it at this point, as it is worthy of a careful reading by the members of this House. As I am going to insert this letter, I shall not take up further time in discussing any of the details, as they are covered more fully and in better shape in this letter than I could do it.

WASHINGTON STATE FEDERATION OF LABOR,  
Everett, Wash., November 5, 1915.

HON. WILLIAM B. WILSON,  
Secretary of Labor, Washington, D. C.

DEAR SIR: You will probably recall that during the Seattle convention of the American Federation of Labor a committee of local trade-unions called upon you at your hotel and briefly discussed the subject of immigration as it appeared to affect the Northwest. I had the pleasure of meeting you at that time as a member of that committee. You will perhaps recall also that I introduced resolutions at that convention upon the subject of immigration, the same being the conclusions reached by the Immigration Conference held in that city just prior to the American Federation of Labor convention. Our resolutions were supported by Messrs. Gompers, Morrison, and others prominent in the deliberations and passed nearly unanimously.

I have had in mind for some time writing you at some length upon this topic and upon labor conditions in general in this State. If this letter appears unduly lengthy, I trust you will pardon its length.

Let me say in the beginning that I am writing in no spirit of hostile criticism. I know somewhat of the difficulties that beset any man in executive or administrative position who deals with labor problems. I realize that from the beginning of your work as a Cabinet official there has been but thinly veiled hostility on the part of some em-

ployers, reactionary politicians, and a portion at least of the daily press. In my capacity as a labor official, and as a private citizen as well, my mental and physical efforts are at the disposal of those who are striving to improve the lot of the toilers. Your years of useful service in the interests of toiling humanity furnish proof enough for me that your every thought and action is inspired by the purest motives. So please consider this letter in the spirit in which it is written, the desire to be helpful rather than merely critical, constructive rather than destructive.

My work as president of the Washington State Federation of Labor brings me into contact with every phase of industrial life in this section, as I am constantly engaged in field work. State Labor Commissioner E. W. Olson, whom you know, has been very helpful to me, and we have worked in the utmost harmony. Mr. Henry White, commissioner of immigration at Seattle, is a personal friend of mine, and so far as I have been able I have endeavored to aid him and he me. That our work may be productive of the best results is my reason for addressing this communication to you, trusting that I may make clear to you the viewpoint of labor in this section toward the work of your department what conditions appear to need remedying.

I am in complete accord with your employment-bureau feature. Frankly, with the refusal of the last legislature to enact a comprehensive State employment bureau law to take the place of the private agencies legislated out of business, I do not know just what we should have done without Federal aid. Labor unions naturally look mainly after their own members in the matter of employment. The State Employers' Association, in its attempt to operate an employment bureau, could not gain complete confidence of either workmen or the general public because of its known hostility to union labor. Your department steps into the breach in an impartial manner, fair to both employers and employees, regardless of union affiliation or lack of it, the only basis upon which a Federal or State bureau can be successfully operated until the principle of collective bargaining has been firmly established in American industrial life. Mr. White, your immigration commissioner in this district, and Mr. Wood, in charge of the employment work for the State, appear to be very much in earnest in their work of placing the man and the job in conjunction. They have already done commendable work along that line, and I shall be glad to touch upon it in my forthcoming annual report.

It is of small use, however, to attempt to deal with the unemployment problem through the medium of Federal employment agencies unless some effective check be placed upon the number of aliens entering. The European war has temporarily solved the immigration problem at our eastern ports of entry; it accentuated the problem upon our Canadian border. The number of men thrown out of work due directly to the war is problematical, but it is many thousands. One estimate places it at 80,000 in western Canada. Twelve hundred men were thrown out of work on one railroad construction job at Newport, British Columbia. Completion of construction work back of Prince Rupert released several thousand men. Municipal projects stopped. Many of these men were of the least desirable type, central and southern Europeans, the unskilled labor army, illiterate, ignorant of American standards of life and living, always a distinct menace. The statement has been made that previous to and including the year of 1912, Canada admitted one immigrant to every resident annually, thus at the close of a five-year period one-fourth of Canada's population were foreign born. Industrial activities in Canada, what there were, called for a higher type of workman than these men were. There were but two moves for these thousands to take. One was to herd in Canadian cities, trusting to charity or small jobs to eke out a living. The municipal authorities in Victoria, Vancouver, New Westminster, and other western Canada towns, instead of providing lodging and food for vagrants, as is done in so many American cities, drive men to the streets upon the approach of winter. The other move for them to make was to attempt to join their countrymen in the United States.

I have found in many places throughout this State a general feeling that there were far too many alien laborers coming into the United States. In Spokane I found members of unions out of work at their trades, with homes in some instances partly paid for, complaining that they could find no work, while laborers speaking a foreign tongue were employed upon a large railroad project within the city limits. There are no immigration officials on the border from the Cascades to the Idaho line save the train inspectors working under the Montreal office.

Last winter an investigation was made by State Labor Commissioner Olson into labor troubles occurring in King County, a short distance out of Seattle, in connection with a road contract. Mr. Olson personally appealed to the county commissioners for relief, and as a result an order was passed that in future all road contracts must contain a minimum wage clause. It was found that many of these workmen were foreigners; where they came from and how was unknown, while in the near-by coal mining town of Issaquah were many idle miners who had been out of work for a long time due to the closing of the mine and slack conditions in the entire mining district.

In Blaine and Anacortes, boundary towns, Mr. Olson and I were called to investigate alleged riots caused by the employment of orientals to the exclusion of white labor. These cases I shall refer to later in this letter.

For the past two winters organized labor and the city authorities of Seattle, acting in conjunction with other interested bodies, operated a municipal boarding and lodging house, an outgrowth of Jeff Davis's visit to Seattle during the American Federation of Labor convention. The statement is made that 40 per cent of the men receiving board and lodging in that hostelry were recent arrivals from British Columbia.

Last winter about 40 men were arrested by the Seattle police for raiding a dairy lunch room. Commissioner White informed me that he was satisfied that part of them had entered illegally, but that fact could not be brought out at the trial.

On June 9, 1915, Commissioner Henry M. White addressed the State Conference of Charities and Corrections, in session at Everett. The Everett Daily Herald of the following day quoted him, as follows:

"Henry M. White, United States commissioner of immigration stationed at Seattle, opened the arguing bee. Besides reading a paper that discussed employment bureaus, Commissioner White, in answer to questions, said that hordes of idle men were coming into this country from Canada and that the officers of the Government were totally unable to stop them. The reasons for the influx were the desire to escape war service, fear of punishment as citizens of foreign Governments, and most of all economic conditions, pronounced worse north of the line than south of it. Very nearly 1,000 had crossed in one day recently into Minnesota. Many were slipping through every week at Acme and Blaine, in this State, he said."

Miss Virginia McMecheen is secretary of the charity organization in the city of Seattle. At the annual dinner of the organization, held on

October 25, 1915, in her annual report, she made the following statement, as reported in the Seattle Post Intelligencer the following morning:

"The work given floating unemployed should be carried on outside the city limits, and in local jobs resident married men should be given preference. Many a broken home is due to the fact that the husband had to go away to seek work. The problem of the unemployed should be handled by the municipality. It is a social and not a police problem. Of the unemployed aided last year, two-thirds were nonresidents, a majority were unskilled, and 38 per cent were American born."

The city of Seattle operates a free municipal office and send out yearly approximately 32,000 persons to jobs. I asked the man in charge of the office not long ago what percentage of those applying for work were aliens. He replied that unfortunately no record was kept of the nationality of applicants but a very large percentage of them seemed to be newly arrived aliens.

We are unfortunate in that our industries are not varied. One of our largest industries is lumbering, employing approximately 50,000 men, or more than one-fourth of all workmen listed as hazardous by the industrial insurance commission and coming under the law. Other industries are neither large nor varied and are in large part seasonal, as is the lumber and shingle industry. For the past few years lumber and shingle markets have been demoralized, and industrial stagnation resulted, because there were not enough varied industries to hold the general level of employment up. A serious unemployment problem of our own has been greatly aggravated by a steady influx of aliens from Canada.

Let me relate briefly conditions existing in Blaine and Anacortes, arising out of employment of Asiatics in the fish canneries, particularly Anacortes, where I made a personal investigation, visiting the town several times and talking with all classes of citizens. In Blaine hostile demonstrations were made, water mains blown up, and anonymous threats of violence made if whites were not given preference in employment.

Anacortes is a town of approximately 6,000 people with but two main industries—salmon canning and lumbering. It is situated on Puget Sound, but off the main railroad lines and thus has not the floating class of labor that follows a trunk line of railroad.

#### TARIFF TALK.

Nearly all its people are of a permanent class, many of them home owners. In normal times the lumber and shingle mills absorb the bulk of the labor but the past few seasons have been abnormal. Mills were either closed or running on part time. One mill in normal times employing 200 men had been idle for months. The men with family ties found it difficult to leave their families and practically useless to do so as unemployment was prevalent. As a result they planted their gardens, picked up a stray day's work now and then, ran accounts with the stores up to the limit of their credit, hoping that with the opening of the canning season they might find enough work for themselves and their women to tide over the winter. Five canneries operated in the town this season. Before the expected run of fish, Japanese in large numbers appeared on the scene, living, it appears within company property. The employment of Japanese in these canneries seems to be a new thing as in former years Chinese were mainly the Asiatics employed. The whites did not seem to resent so much the employment of Chinese in limited numbers, probably because they had gotten used to them. The feeling against the Japanese became very bitter; and muttered threats of violence were heard.

The cannery operators set up the defense that for certain work in the canneries the whites could not be relied upon, that because of the uncertain quantity of the pack and length of the season, they had to be assured that the pack would be taken care of and experience had taught them that they could not rely upon white labor. Accordingly they contracted with Chinese contractors for their labor supply months in advance of the canning season. The whites contend that every cannery position could have been filled by white men and women who would have been glad of the work and who would have stuck the season through. However that may be, the big fact remains that the only industry in the town outside of lumbering, which was in a depressed condition, was hiring Asiatics while white labor was idle and in need of the actual necessities of life. This bred a condition which made for disorder and possible serious trouble. I am confident from what I know of the tense feeling in that locality that both life and property might easily be in jeopardy another year unless the situation is remedied. I fervently trust that the cannerymen will approach the problem in a broad way and cooperate to end a bad situation. I do not believe they would employ Asiatics in preference to whites if it can be demonstrated that white labor is both procurable and dependable and your employment bureau might be the means of solving the problem. The perfect ease with which both Japanese and Chinese can be secured, due to the proximity to British Columbia where there is a limitless supply, and the fact that no immigration officer is stationed at Anacortes, the shifting of responsibility for an adequate labor supply to the shoulders of the labor contractor has worked against white labor and will continue to be a factor against it.

Mr. M. M. Mattison is political writer on the Seattle Daily and Sunday Times and may be aptly termed the "dean" of political writers in the State of Washington. He has been a journalist for many years, a shrewd observer of men and affairs, and a keen analyst. The following is from the Seattle Times of August 1, 1915, same being a signed article by Mr. Mattison:

[Seattle Daily Times, Aug. 1.]

FIGHT BREWING ON IMMIGRATION SITUATION—WITH MORE ALIENS STRIVING TO COME IN THROUGH WASHINGTON, FORCE REDUCED—ECONOMY IS EXPLANATION.

(By M. M. Mattison.)

Though the record shows that there were more arrests last year for illegal entry into this country than had been made during any other 12 months of the past, the Immigration Service forces at Seattle have been reduced by the transfer of four men to San Francisco; the watchman on the Deming bridge has been laid off and two more of the highest officials in the service on Puget Sound go on involuntary furloughs. One other was laid off some time ago.

In the meantime a department clerk, here on salary and expense, has been "rearranging the records," the amount paid for his services being sufficient to keep at least two of the higher officials at work. And also, in the meantime, special fees are being paid to special interpreters, which probably would be sufficient to pay the salary of a regular interpreter whom Washington officials feel they can not afford to employ.

An economy program is declared to be responsible for the changes.

## PROTESTS PROVE UNAVAILING.

In other quarters it is estimated that there is a feeling of resentment over the fight started in the State legislature and supported by commercial organizations to transfer immigration headquarters from Montreal to Seattle. At present, instead of maintaining immigration headquarters at some Puget Sound port for foreigners coming to this country by foreign vessels which touch Canadian ports first, the immigration headquarters are maintained in Montreal. The scheme favors the Canadian Pacific Railroad, and protests have been unavailing.

An inquiry into this phase of the situation is to be made soon by at least three high officials. It is expected that Solicitor J. B. Densmore, Commissioner of Immigration A. Caminetti, and possibly Assistant Secretary of Labor Post will be here to inquire into the justice of the plan whereby immigration matters affecting the United States are handled from Canada.

## NO PROBE OF REDUCTION PLAN.

But thus far no movement has been started toward an inquiry as to why the Puget Sound district force has been reduced, the San Francisco force increased, and the department handicapped in the Northwest.

For the past year it is declared that 1,400 arrests were made in Whatcom County alone by immigration officials, who discovered aliens unlawfully in this country. It is declared that during Shiner week Chinese landed openly at the piers of Seattle, and that there was no adequate check on the steamship *Minnesota* when she arrived, because there was an insufficient force left here to do the work.

These are charges—they may or may not be true—but they illustrate the gravity of the situation.

So, too, does the story that A. T. White, Japanese interpreter, Henry Monroe, head of the Chinese Bureau, and Thomas Lynch, inspector and sometimes acting assistant commissioner for this district, have been directed to take a vacation without pay sheds a light on the seriousness of the Puget Sound situation.

## ALIENS FLOCK INTO STATE.

Since the European war broke out it is claimed that aliens have been flocking from Canadian points into the United States. Usually they have come across the border between Washington and British Columbia. They have been found hiding in tank cars, on steamboats, walking through the woods over forgotten trails, and coming brazenly over regular routes of transportation.

To check them an increase in the service was deemed advisable, but the officials at the National Capital determined that the economy program should be enforced at Seattle and at northwestern points so that San Francisco might not suffer, and instead of increases, reductions in the force have been ordered.

Labor leaders have become interested in the situation, and they, with the representatives of commercial organizations who have been fighting for a strengthening of the representation on Puget Sound, will lay a series of facts before the department board of inquiry when it comes to Seattle this month.

Starting out as an inquiry into the reasons why the Canadian Pacific was favored in transportation matters through the order making Montreal a headquarters for oriental immigration, the inquiry is apt to broaden into an investigation of immigration-law enforcement in the Northwest.

Entry may be made into this State from Canada both by land and water. Glancing over the map I find 16 wagon roads crossing the border between Blaine and Sumas, a distance of 20 miles. I find three more roads within 10 miles east of Sumas. Doing border patrol work between Blaine and Sumas are three men, with none on border work east of Sumas. Besides wagon roads, there are old, well-known trails, two of the best known of these being the Princeton and Hope trails, swinging through the Cascades east into Pateros, a place northeast of Wenatchee, in central Washington. Bands of Hindoos and other aliens have been seen by forest rangers on these trails. Once in eastern Washington there is not one chance in a thousand of apprehension. You have two men in North Yakima, 100 miles south of the line, engaged exclusively in employment work, and doing magnificent work, too, by the way. In Walla Walla, almost on the Oregon State line, there is one man, and he, too, has employment-office duties. In Spokane, the metropolis of eastern Washington, and the city to which all workmen in that part of the country head, there are but two men, and they also handle employment work. Spokane is also 100 miles south of the border, and is a railroad center for north, south, east, and west.

Motor transportation is fast becoming the prevalent mode of travel. The run from Vancouver, British Columbia, to Seattle may be made by a high-powered car in a little better than five hours. That the auto is becoming a favorite medium of illegal entry is proven by recent arrests and trials for smuggling of Chinese, of which I shall write later on in this letter. Yet if I am correctly informed there is not an automobile nor motorcycle at the disposal of the force in this district, the allowance formerly made border men for auto maintenance having been withdrawn upon ruling of the Federal comptroller that there were no funds available for that purpose.

Probably no body of water in the world of equal size offers the facilities for smuggling operations as does Puget Sound. Vancouver, Victoria, and New Westminster, headquarters for workmen in western Canada, and filled with Chinese, Japanese, and Hindoos, are Puget Sound ports. It is estimated that there are 30,000 Chinese in British Columbia. Victoria, with a population of 35,000, is said to have 7,000 Chinese. The industrial depression in Canada hit the Chinese hard, it being current report that many of them are in a starving condition. Vancouver and Victoria are but a few hours' run from Washington sound cities. The shore line offers innumerable landing places. The sound is dotted with islands where small boats may run to cover.

Steveston, British Columbia, is a canning town on the Fraser River and swarms with Orientals. To Ladner, British Columbia, by auto, it is but a short run, using the ferry, or the trip may be made from Steveston to Ladner by boat in 40 minutes. A 6-mile walk from Ladner lands one at Port Roberts, on American soil, where there are two canneries employing Chinese. Only 12 miles from Port Roberts is Semiamoo, with one big cannery employing Chinese, and it is but a stone's throw from Blaine, where there are five canneries. There is also a cannery at East Port Roberts. The run from Vancouver or Victoria to Anacortes may be made by boat in four hours, with chance of detection, once landed in Anacortes, reduced to a minimum. There is no boat inspection between Anacortes and Port Roberts, no inspector at Anacortes, no train inspector out of Anacortes, and there is direct rail connection with the coast line of the Great Northern for Seattle.

From Victoria to Port Angeles (Wash.) is a distance by water of 17 miles. During last June there were 11 indictments by the grand

jury for smuggling white aliens in that district. Five pleaded guilty and several more were found guilty upon trial. During part of last year a strike was on in the shingle department of a big plant at that place. I make no charge that aliens were smuggled into that plant. Probably it was not necessary to do so as unemployment in the State at large made it an easy matter to find men. It might not be the policy under any circumstances of that particular firm to employ aliens, but in the event of labor disturbances in that or other plants in that territory, under present conditions, it would be possible to land aliens from Canada by the wholesale. The employing interests would be the ones to profit, even though they had no guilty knowledge nor participation in the smuggling operations. An immigration officer was formerly stationed at Port Angeles. He has been transferred to Port Townsend with both places to look after, while the man formerly at Port Townsend has been transferred elsewhere.

One or two fast launches are absolutely necessary to patrol Puget Sound waters. At present the only method used is to place inspectors on the boats running on regular schedules, good as far as it goes, but not greatly disturbing the peace of mind of the men profitably engaged in smuggling.

Returning to the subject of auto smuggling of Chinese. The local press has from time to time reported in its news columns stories of capture of illegally entered Chinese, some of them captured by purest accident.

About last February the press reported the capture of an auto load of Chinese between Blaine and Sumas, in charge of a Great Northern conductor named Dahl. Evidence at the trial was to the effect that he had repeatedly brought in Chinese via auto.

An auto collision north of Marysville, near Everett, resulted in Chinese captures, the smugglers confessing that they had made repeated trips and were regularly engaged in the industry. This was last August, and was uncovered by Inspector Turner, of Everett, according to newspaper reports, and might never have been found out but for the breakdown of the auto which aroused suspicion and caused Inspector Turner to get hurriedly on the job.

Last spring the same papers carried the story of a capture by the above officer of a number of Chinese in the Great Northern yards at Everett, concealed in an oil-tank car. If press reports are correct, several hundred have been brought in in this manner for shipment to San Francisco, New York, and elsewhere. Railroad employees were engaged in this business, it appears, a Great Northern fireman having been found guilty on trial in Seattle within the past few days as a result of further discoveries in the Great Northern yards in this city.

Chinese confessed last April that 200 had entered during the fiscal year via the box-car route and 40 more were waiting.

Last month there were something over 30 entries at the custom-house from Steveston, British Columbia, the town I have mentioned as swarming with Orientals.

There is small doubt there are several well-organized gangs of smugglers working on both sides of the line in comparative safety. Once in this country the aliens mingle with their countrymen with little chance of detection and work their way south and east. We have the two classes of surreptitious entry, Chinese and central and southern European, both a distinct menace to American standards. The Chinese smuggling business is peculiarly tempting as it means big money with the chances of detection small.

Now as to the Immigration Service itself. Undoubtedly there are some men in the service who have not the modern viewpoint of industrial and social life. Men who view the collection of head tax to be more desirable than to protect American labor by rigidly putting up the bars against those who will not readily assimilate. I am convinced that by far the larger number of men in the service are hard-working, conscientious men, with a high sense of duty. I believe in the sincerity of most of the men I have been privileged to meet. A breaking down of the service as regards border patrol seems not to be due to any dereliction on their part. There are not enough men in this district to attempt to cope with the situation nor facilities with which to work. On January 1 of this year there appears to have been 14 men under furlough, or nearly one-fourth the entire force in this district. This at a time when industrial depression was at its height and the need for thorough border patrol imperative. I note that you have by Executive order placed all furloughed men back in active service. I am glad that you have been able to make this order, but it does not relieve the situation in this territory. Mr. White tells me that but one man has been added to his jurisdiction since he assumed office.

The duties of employment work have been added to the other duties of the men in the service without the addition of any men. Indeed, the force has been numerically weakened during the past year by the removal of three watchmen to San Francisco, one inspector to Blaine, one death, and two furloughed monthly until recent date.

Mr. White tells me that he does not believe the efficiency of the men in the service has been materially lessened because of the added duties, as he has required them to better systematize their work and increase their output. Without in any way seeming to criticize Mr. White—for I am in full sympathy with his work and know of the handicaps he is working under—allow me to voice what I think about the placing of employment duties upon the shoulders of those who have other duties to perform.

I do not believe the men can do efficient work in the employment department and at the same time effectively perform other duties. I have in mind a concrete case. I know of one man in the service in this district who has a splendid record for efficiency in field work, in detecting surreptitious entries. He follows up all sorts of clues from all sorts of sources. Yet he is expected to carry on the employment work, with no assistant, which means he must stay close to his office or the employment feature dwindles into thin air. If he does that, his chance of rendering efficient service in checking illegal entry is minimized, as a man can not do routine office work and keep very much in touch with things outside. This man has proven his efficiency as a field officer; he would probably be just as efficient an office man, but he can not be both. Yet to withdraw him from a field where he has done such good service in one branch would not help the situation at all, as it is as necessary to put a stop to illegal entry as it is to find work for the unemployed. What that man needs is an office assistant to do the purely clerical work, and still the records of his office would argue that he needs no assistant. What would seem to be an anomaly is not an anomaly at all when the situation is understood.

I believe there will have to be some division of the work so that those whose duties are to check immigration shall be left free to do that work, and those to whom are assigned employment duties allowed to concentrate their attention upon that. I am well aware that the department is doing the best it can without funds with which to work

and that if the employment bureau was to be started at all it had to be with the force of men already in the department. You have made a splendid beginning at that work and limitless possibilities are in sight. But I am forced to believe that the immigration law enforcement has to some extent suffered in consequence, because of the inability of men to carry on simultaneously two distinct tasks, one calling for outside activity and the other for close attention to office routine. I offer this then as a suggestion for the future when you may be given adequate funds with which to work.

I am informed that Federal legislation will be necessary to secure funds for proper auto patrol. Men can not cope with high-powered autos, if they themselves are afoot. Auto smugglers have been successfully eluding the watchmen stationed in the northern part of the State, and doing it with an exasperating regularity, if the confessions made by captured smugglers are any criterion. I believe, too, that the owners of autos used in smuggling should be compelled to forfeit them to the Government when captured, not returned to them as is now the case.

I have spoken of the need of speedy launches for water patrol. This to my mind is an imperative necessity.

Would it not be a good idea to deputize forest rangers as officers of your department? The trails leading down from British Columbia, which I have mentioned, lead through forest reserves and are under observation by Government rangers.

The State fish commissioner has a launch which regularly visits the canneries and traps; is constantly on patrol during the fishing season among traps located near the boundary. Could not your department place a man aboard that launch to good purpose?

Commissioner White believes, and I am inclined to agree with him, that there should be Federal legislation penalizing the man himself who willfully breaks the laws of this country by surreptitious entry. He believes this would have a more deterrent effect upon immigration of the undesirable sort than our present method of punishing only those who aid him to come in.

In a personal letter written to Senator MILES POINDEXTER, of this State, at the time the Burnett bill was pending, I suggested an amendment detailing to active field service for a period of years the bureau positions in Washington, D. C. I believe I would extend it to district headquarters of the service as well. My idea is that the men in the service ought to be brought into active contact with field work, that they might know from first-hand information the actual conditions that confront the service. I am free to say that I have learned more about the labor movement from actual contact with workmen and working conditions, from being allowed an insight into their working lives, through spending 20 years of my life at a trade, than I ever learned from the printed page, and I am something of a reader at that. Orders in effect in the Army and Navy Departments covering compulsory field service seem to have good effect in that branch of Government service.

It seems to me that the division of authority between the Seattle and Montreal offices is a serious mistake, and is fatal to proper enforcement of the immigration and exclusion act. I can not help but feel that long residence in Canada gives to an American immigration official a Canadian rather than an American viewpoint. He associates constantly with Canadians, both in official and private life. There are times when Canadian officials certainly can not hold the same views we do, from economic reasons if from no other. I have no objection to the stationing of American officials in Canadian border towns, but believe they all ought to be under the Seattle office. I believe the headquarters for United States officials, stationed both in this State and in British Columbia, should be in Seattle, and all inspection of aliens entering or attempting to enter this State should be under the Seattle office.

No European emigrant destined for Canada can come into Canada through the United States, but must enter Canada directly, giving to the Canadian Pacific Railway a monopoly on transportation that takes away much business from American railroads.

United States immigration officials have no means of obtaining knowledge as to aliens entering Canada, where they come from, their characteristics, station in life—many things it would be helpful to know, in view of the fact that so many of them ultimately head for the United States. Were these facts available immediately upon arrival in Canada of Europeans, it would greatly aid our officials.

Let me reiterate the high regard I have for the men in the service I have been permitted to come in contact with. As best I can I want to work with and aid Commissioner White, of Seattle, and Mr. Wood, State head of the employment department. Theirs is a big task, as is that of every official in the department. It is their duty to keep out the undesirables, to aid those lawfully entered to get their feet planted right in the paths of American citizenship. In your employment work you have in reality started the process of rebuilding men who have come perilously near the rocks, who have sounded the depths of despair in a ceaseless quest for work, victims of a private employment-agency system that has left them bitter, discouraged, heartsick, contemptuous of American institutions and our form of government. The making over of inefficient men, hanging on the edge of society, into self-respecting, efficient, proud citizens of this Republic, is the noblest work in which men can engage. It is the work facing your department, and you, Mr. Secretary, I know to be a man of splendid vision.

In inditing this letter to you I have endeavored to be helpful in criticism, neither harsh nor destructive, knowing well that some of the conditions I have described have ere this been brought to your notice and that you are working toward a solution, but hoping that perhaps I have covered some important points that have escaped your attention. I realize that Congress must aid you and that public sentiment has to be aroused, as a rule, before Congress will act upon many measures that affect the public welfare.

I have dealt with the problem from a purely local standpoint, because of my knowledge of and official connection with local industrial conditions. I realize perfectly that the problem is not a local one, but that we of the West and you in the East suffer alike or prosper alike in an industrial and social sense, accordingly as we deal with it. For a long period in our national life the tide of migration was ever westward. The workers in the East, crowded out of employment by incoming aliens, the ambitious farmer lad wanting room to expand, all faced the western slope, followed in turn by the second generation of immigrants. There are not lacking signs of a reverse movement of migration. Despite the vastness of our western domain, there is little arable land upon terms within the reach of the man with little or no means. An imbecile policy, or, rather, a lack of any policy of land development at all upon the part of the States, is responsible for this condition. Our industries are not sufficiently developing to care for the oversupply of labor, and we have an idle, drifting labor army, purposeless, aimless.

This condition can be largely remedied in time through your Federal Employment Bureau, but only by stopping the ceaseless flow of unde-

sirable aliens can you systematize employment opportunities, regulate and direct the supply of labor.

In this great work you deserve the whole-hearted cooperation of every person who understands that the Nation's well-being, the social happiness of all our citizens, depends absolutely upon the steady, remunerative employment of labor.

Trusting that you will give this letter careful perusal, and assuring you of my warmest personal regards and hearty cooperation,

I beg leave to remain,  
Respectfully, yours,

E. F. MARSH.

President Washington State Federation of Labor.

Mr. BENNET. Mr. Chairman, I move to strike out, in line 7, page 51, the words "one hundred thousand" and insert in lieu thereof "fifty thousand," and in line 25, page 50, and lines 1 and 2—

Mr. SLAYDEN. What is the second amendment?

Mr. BENNET. I have not completed it—to strike out the last word in line 25, page 50, all of line 1, on page 51, to the word "engaged" in line 2, page 51, so that the section would read, commencing at line 24, "of this act which excludes contract laborers and induced and assisted immigrants, may employ for such purposes without reference to the provisions of the said civil-service act," and so forth, and reduce the amount from \$100,000 to \$50,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 25, strike out "and," the last word in the line, and the following language on lines 1 and 2, page 51, "for detail upon additional service under this act when not so engaged."

In line 7, page 51, strike out "\$100,000" and insert "\$50,000."

Mr. BENNET. Mr. Chairman, if I could have the attention of the chairman of the committee, I will say that I had the honor of drawing this section in 1907, that duty having been conferred upon me by the committee, and it was done for the purpose of giving the department the power to enforce the contract-labor law. It has worked well, and therefore I am not going to permit, if I can prevent it, that section to be prostituted for the purpose of a rape on the civil service.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GREEN of Iowa. Will the gentleman explain the nature of the services to be performed in this connection?

Mr. BENNET. As I go along, I will.

Under the existing law the Secretary of Labor has the right to spend out of the appropriation not to exceed \$50,000 a year under the same provisions of law as are applicable to the Secret Service—that is, he can employ whom he pleases at such a salary as he pleases; to do anything that he thinks is necessary to enforce the contract-labor law. Now, gentlemen say, and give as the reason that they are raising this to \$100,000, that it is because they need more men. Now, if the gentleman from Alabama [Mr. BURNETT] will give me his attention, I will tell him what the condition is, because I am satisfied that after I tell him what the condition is, he will agree.

The appropriations for the enforcement of the act, for 1914, were \$2,550,000; for 1915, \$2,649,000; and for 1916, \$2,450,000, the latter being the smallest, and rightly so, because immigration has dropped off. Out of that reduced appropriation of \$2,450,000 every single employee in the field in the Immigration Service has been furloughed without pay at least a month during this fiscal year, and those reductions have amounted to \$110,000. In addition to that, vacancies have occurred through death, resignations, and transfers, amounting to \$70,000 more, which have not been filled, making a total of \$180,000.

Now, if they really wanted this work done, they could have taken those men in the civil service and had them do the work instead of laying them off. Now, what do they propose to do? They propose to add this language to the law:

And for detail upon additional service under this act when not so engaged.

That is, that the Secretary of Labor can employ a man under this provision without reporting his name to the Civil Service Commission, at any salary that the Secretary of Labor fixes, use him one day on contract-labor work, and then put him in the place of a civil-service employee. What they have done is, pro tanto, to take out of the operation of the civil-service act the employees of the Immigration Bureau. It is the most flagrant attack upon the civil-service law that has been made during this administration. Now, I will tell you what they do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. BENNET. I am reliably informed that under this \$50,000 that is already in the law there has one man been appointed who is a bookkeeper, who still holds his position as a bookkeeper, still draws his salary as bookkeeper, and reports at the office of the United States twice a month.

Mr. COX. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. COX. Who is that man?

Mr. BENNET. I will get to that.

Mr. COX. Will you put his name in the RECORD?

Mr. BENNET. I will not promise that. I will give the gentleman a chance to put it in the RECORD.

Mr. COX. I will put it in if you will tell me who he is.

Mr. BENNET. All right; I will give the gentleman a chance. That man continues in his position as bookkeeper and draws \$2,500 a year.

Mr. COX. Is he drawing his salary as bookkeeper for a private concern?

Mr. BENNET. Yes; under this existing appropriation that they want to double, and reports twice a month, and only twice a month, and signs the pay roll, and draws his check, and it is permissible under the law. Now, they want \$50,000 more to spend in that way.

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. How did that original \$50,000 ever get into the legislation?

Mr. BENNET. Before the gentleman came on the floor I stated to the committee that I drew the proposition myself. That is what the gentleman wanted me to say.

Mr. GARDNER. I do not know. I once got an employee in myself, without passing the civil-service examination, under that provision. I rather like that.

Mr. BENNET. Yes. I will say to the committee that I drafted the provision, and that the gentleman from Massachusetts [Mr. GARDNER] got not only one but two men on the roll, and his father-in-law got two more. [Laughter.]

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. I apologize to the gentleman. I did not know that I got two. I hope I did. [Laughter.]

Mr. GARDNER. Will the gentleman from New York [Mr. BENNET] say how many he got? [Laughter.]

Mr. BENNET. I got none.

Mr. GALLIVAN. Will the gentleman tell whether or not the gentleman from Massachusetts got those coming to him?

Mr. BENNET. Gentleman, I am talking about this as a serious matter, not in the way of persiflage. I confess that I am a good deal of a partisan, and if a Democratic chief of bureau will remove a man because he is a Republican, though competent, and put in a man because he is a Democrat and competent, I think that is what he ought to do.

A firm in New Jersey was complained of for violation of this contract-labor law, and the department at first did not think it amounted to very much, but they gave the case to a particular inspector, and that inspector went out and worked on the case day and night. I happened to know about this case, because I was retained by the defendant; and that man—that inspector—by hard work and knowledge of the law and expert opinion, built up a case that was absolutely impregnable; so much so that we walked into court and confessed judgment for \$6,000, and paid that money into the office of the court. Within a week afterwards the department removed that man who turned in that \$6,000, and they put in his place a man who has not made a single complaint since against a violator of the law.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HOWARD. You did not have anything to do with having him removed? [Laughter.]

Mr. BENNET. I did not; and I will say to the gentleman from Georgia that a week or 10 days after that man was removed I was in conference with the man who paid this \$6,000, and I said to him, "Do you know what happened to that man?" He said, "No." I said, "He was removed from office." You will excuse the language, but he said in reply, "That is a damned outrage." [Laughter.]

Mr. GARDNER. Mr. Chairman, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. GARDNER. My own man has been removed from office. I ought to have a grievance, too. [Laughter.]

Mr. BENNET. I do not know about that.

Mr. GARDNER. You say I got two. I thought I got only one. [Laughter.]

Mr. BENNET. I think the gentleman got two, but they are not the men who are doing this good work.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for three minutes more.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman from New York be allowed to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. McKELLAR. If it is a plain, ordinary steal, and some man is in there who is stealing—and it is virtually the same thing if he is drawing pay there and doing no work—does not the gentleman think he owes it to the Government to give us his name, so that he can be investigated?

Mr. BENNET. I will say to the gentleman that before I get through I will redeem my promise that I made to the gentleman from Indiana [Mr. Cox].

Now, they are not utilizing to the best advantage the money they now have, and the plain purpose of this provision is to enable the department to increase the number of its exempt employees. Nobody can deny that. The gentleman from Alabama [Mr. BURNETT] will not deny it.

I want this House to know exactly what they are doing; that they are throwing out of the civil service men who are there and vacating their positions and superseding them by men who are exempt in their positions. Oh, I suppose there is nobody on the Democratic side who cares anything about the Democratic platform any more, but I will read the provision in that document in relation to the civil service:

The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability should be the standard of appointment and promotion rather than service rendered to a political party; and we favor a reorganization of the civil service, with adequate compensation commensurate with the work performed, for all officers and employees.

Mr. FESS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. I would like to know whether it is in order to read the Democratic platform in this Congress? [Laughter.]

Mr. BENNET. Oh, yes; I represent a Democratic district, and I claim that right.

Mr. GORDON. Mr. Chairman, why does not the gentleman read that to the head of this bureau instead of to this House? [Laughter.]

Mr. BENNET. I am a Member of Congress, and I deem it my duty to point out wrongs that should be rectified in the body of which I am a Member. I have not sunk so low that I have to go to the head of a department so long as I am a Member of Congress. [Applause.]

If the gentleman from Indiana [Mr. Cox] will introduce a resolution asking for an investigation of the manner in which this money has been expended from the time of the original enactment, covering Republican administration as well as Democratic, it will be referred to the Committee on Rules, of which I am a member, and I will join with my Democratic colleagues on my committee on reporting out a rule to investigate the entire expenditure.

Mr. COX. The gentleman is only one member of the Committee on Rules. I do not know whether the Committee on Rules would report that resolution out or not, but I will say to the gentleman that I will introduce such a resolution if the gentleman from New York will speak out and give us that name. Those who are responsible for it will soon rectify it.

Mr. BENNET. I gave the case.

Mr. COX. Yes; but the gentleman has not given the name. He is giving only the facts.

Mr. BENNET. I have given the facts, and if a Democratic administration can not remedy that case from the description I have given they will be grossly derelict in their duty.

Mr. BURNETT. Mr. Chairman, the gentleman has made a statement before this House. Is it not fair that he should identify the case and name the man?

Mr. BENNET. I am giving the whole House the facts. The disclosure of the particular name might get some gentleman in the department into trouble.

Mr. GORDON. Ought he not to be in trouble?

Mr. BENNET. I would get this man into trouble in a minute.

Mr. GORDON. Give us his name, and we will attend to it.

Mr. BENNET. I am the guardian of my own honor and the architect and director of my own methods. If the gentleman from Indiana [Mr. Cox] will draw a resolution and refer it to the Committee on Rules demanding an investigation of this matter, I will do all I can to have it reported.

Mr. COX. I will do that if the gentleman will vote to report the resolution out. I will put such a resolution in the basket.

Mr. BENNET. I will agree to vote for it and do all I can to report it out, to investigate the way this money has been spent from the beginning, under Republican administration as well as Democratic administration; and I will say what I know, that this doubling of the appropriation is absolutely uncalled for. If this appropriation is doubled, it is just simply waste. Not only that, it is a rape of the civil service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from New York be extended five minutes. Is there objection?

Mr. BURNETT. Make it three minutes and I will make no objection.

Mr. HOWARD. I will not object if the gentleman from New York will divulge the name of that employee. If he will not divulge his name, then I will object.

Mr. MANN. Let him object.

Mr. BENNET. Of course.

The CHAIRMAN. Is there objection?

Mr. HOWARD. I object.

Mr. BURNETT. Mr. Chairman, I desire to conclude the discussion on this.

Mr. MANN. I think I will not want more than five minutes, but I may want a little more. There will be no delay.

I did not hear all that the gentleman from New York [Mr. BENNET] said, because my attention was diverted.

A few years ago there was a very severe criticism of the State Department, made by the gentleman from Missouri [Mr. HAMLIN], chairman of a committee investigating the expenditures in the State Department, concerning certain expenditures that were not required to be itemized. The gentleman from Missouri was rather insistent upon having a bill passed authorizing certain Members of Congress to have access to all of the secret expenditures in the State Department.

There are many reasons why in the State Department it is necessary to expend considerable sums of money without giving any information concerning the expenditure. There may be some reason in the Bureau of Immigration. Fifty thousand dollars is quite a bunch of money to expend without vouchers. It used to be \$25,000 in the State Department. I believe we have increased it properly since we have had trouble on the Mexican border. This proposes to double the amount to \$100,000. I do not know how much of this money is expended without submitting vouchers; in other words, without being itemized. But under the provisions of the law they can expend that \$50,000 nominally for the purposes stated in the law, but no itemized account is required. They can call it what they please. Now, it is proposed to double that to \$100,000 and to go outside of the original intention of the law, which was merely to enforce the contract-labor section of the immigration law and to authorize the appointment for other purposes of employees under the bureau, not from the civil service list, so that the Secretary can pay such compensation as he pleases, can increase it or decrease it, spend it all on one person if he wants to, and render no itemized account of it. I do not think the provision of law ought to be extended unless it be absolutely necessary. No reason has yet been given for the provision in reference to the detail of additional service as provided by the language in this section. Under the section as it reads the Secretary or the Commissioner may employ persons nominally for the purpose of enforcing the contract-labor law, and put them upon detailed service as he pleases, pay them such compensation as he pleases, and render no itemized account. No other account amounts to anything. I hope the gentleman from Alabama will be able to give some excuse for this.

Mr. BURNETT. Mr. Chairman, as was remarked a while ago, the smuggling business has recently increased to an alarming extent all along the border. In many instances it is necessary that a very different class of men be employed than those who come under the regular civil-service examination. While I was a member of the Immigration Commission with the gentleman from New York [Mr. BENNET], I remember that we found along the Mexican and Californian border a regular pool or trust in smuggling, that some of our own inspectors were in it, that for \$150 they allowed a Chinaman to come in. Some-

body got to cutting the price, bringing them in for \$50, and they got into a row among themselves, and in that way the matter became known. In order to detect such frauds and to ferret out these subterfuges we had to employ a number of expert detectives. We could not get them at the ordinary prices of civil-service employees. In many cases we paid \$25 or \$40 or \$50 a day to those men, but they did good work, and as a result of that some of the United States inspectors themselves were landed in jail. That was eight years ago. Now it is utterly impossible for the Commissioner General of Immigration or the Department of Labor to depend entirely upon their civil-service employees to do this work. Therefore the necessity of having this law, which allows them some leeway, in order that they may employ the necessary men. Then if they are not being used for a particular purpose they ought not to have to discharge a good man, who perhaps they could not get next time, but as is provided here to detail him to do something else. It strikes me that it is unfair for the gentleman from New York [Mr. BENNET] to single out the case of a person whose name he is not willing to divulge. The intimation I have from a brief conversation with the Chief of the Bureau of Immigration is that there has been no such case as the bookkeeper that the gentleman referred to. If there has really been such a case, the gentleman ought not to tie a string to the proposition that he makes to the gentleman from Indiana [Mr. Cox]. There is no charge here that there has been any fraud or mismanagement or misapplication of funds by the Immigration Bureau, Republican or Democratic. Then, why say, "If you will have a general investigation of a lot of conditions that nobody charges anything against, then I will give the name of a particular man whom he thinks ought to be investigated"?

I submit that that is not the fair way for fair-minded men to make charges and statements of this kind on the floor of the House, to undertake to go into a general investigation of a lot of things which need no investigation before a gentleman will tell the House of Representatives the name of the man who he says has been guilty of these things in order that there may be an investigation. If what he states is true, there ought to be an investigation not of the whole bureau for years and years back but an investigation of that particular case. Therefore, let gentlemen when they make charges of that kind be fair enough to name the man in order that there may be an investigation. I undertake to say when he makes his categorical and specific charge the Rules Committee will no doubt report a rule, not for a general investigation of everything that the whole bureau has been doing for the last 20 or 30 years ever since that \$50,000 fund was provided, but an investigation of the facts in regard to this particular case. Is it not right, and the gentleman owes it to himself to be fair enough to name the man. When he does not fix his specific case, when he does not mention any particular name, then I should like to know what becomes of the gentleman's charges as to these matters of fraud or misapplication of funds.

I say that it is necessary. The Senate believed that it was necessary two years ago and kept this in, and, as I recollect, four years ago it was increased to \$100,000. I am not sure about that. But if we want to prevent Chinese immigration and people coming over the border, as the operations of the steamships have become much restricted on account of war conditions, men fit for this particular class of work ought to be employed, and we can not do that if we are confined to the cast-iron rules of the civil service.

Mr. SABATH. Mr. Chairman, in answer to the gentleman from New York, I wish to state that the Commissioner of Immigration in the last report stated the following facts:

With respect to the special arrangements for the apprehension of smugglers and smuggled aliens, which I then reported had been placed in operation in March, 1914, I have to state that the same has been continued with increasing good results; so that the plan has now to its credit since inauguration the institution of proceedings against 167 persons found engaged in illegal importation of contraband Chinese, 149 of whom were arrested, 80 of whom have been convicted, 43 are awaiting trial, 25 have been discharged, and 1 died, the remainder being fugitives from justice.

It was upon this statement as to the smuggling that was going on that I voted for this provision in the bill, and for no other.

Mr. BENNET. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. BENNET. Will the gentleman point out any place in the report or in the hearings before the committee where the Commissioner General or the Secretary of Labor has asked for the additional \$50,000?

Mr. SABATH. I have not the report of the commissioner except upon this matter.

Mr. BENNET. Why, the gentleman has the report, the entire report of the commissioner, which he just read from.

Mr. SABATH. I do not see anything here in regard to it, but the committee has been carefully investigating, and they have come to the conclusion that the smuggling of the Chinese should be prevented in every way that was possible, and that if the department required an additional \$50,000 it should be forthcoming. It was for those reasons that I supported it.

Mr. BENNET. The department does not ask for it.

Mr. BURNETT. Mr. Chairman, I move that all debate be closed on this section.

Mr. MOORE of Pennsylvania. Will not the gentleman yield for a question?

Mr. BURNETT. No; I move that all debate be closed upon this amendment.

The CHAIRMAN. The gentleman from Alabama moves that all debate be closed upon this amendment.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were 56 ayes and 36 noes.

So the motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 25, strike out the last "and" in the line, and the following language on page 51: "or detail upon additional service under this act when not so engaged;" also, on page 51, line 7, strike out "\$100,000" and insert "\$50,000."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BENNET and Mr. MOORE of Pennsylvania) there were 59 ayes and 75 noes.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of to the lowest responsible and capable bidder, after public competition, notice of such competitive bidding having been made in two newspapers of general circulation for a period of two weeks, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No such contract shall be awarded to an alien. No intoxicating liquors shall be sold at any such immigration station.

Mr. BENNET. Mr. Chairman, it seems to me that in line 20, page 52, the words "such exclusive" should be stricken out for the reason that there are privileges, such as telegraph privileges, that are not exclusive, and the receipts accruing from those should be turned into the Treasury of the United States.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 20, strike out the words "such exclusive."

Mr. MANN. That would be the law anyhow. The only thing this section covers is exclusive privileges. Any money received by the department as receipts has to be covered into the Treasury as miscellaneous receipts. The gentleman spoke of the telegraph privileges. Do they advertise those?

Mr. BENNET. No.

Mr. MANN. This says that they do.

Mr. BENNET. There are two, Western Union and the Postal.

Mr. MANN. They both have exclusive privileges. Does the gentleman from New York mean that they can not have more than one eating place?

Mr. BENNET. I do; only one eating place is permitted at any immigrant station, and it is put up at public competition.

Mr. MANN. Only one place to get a bite to eat on Ellis Island? Can they not have anything to eat in the hospital?

Mr. BENNET. You can not buy it.

Mr. MANN. I am glad I do not have to enter there.

Mr. BENNET. Well, inasmuch as the gentleman started it, I will say that if he should try to come in as an alien he would be debarred.

Mr. SLAYDEN. Mr. Chairman, I am authorized to say that the chairman will accept the amendment.

Mr. MANN. What does the bidder do when he makes a bid—offer to pay a certain amount for the privilege?

Mr. BENNET. What is done is this: Regular specifications are issued—I am talking about the eating privilege—there is an exclusive eating privilege, an exclusive privilege for handling baggage, and an exclusive privilege for changing money. Regular specifications are issued by the Department of Labor, and the men bid. They say they will furnish the meals described in the specifications for so much, and every man that bids agrees in connection with his bid to maintain a restaurant at which food shall be sold to the employees and visitors at fair prices.

Mr. MANN. What money is it that is paid into the Treasury of the United States?

Mr. BENNET. The money that is paid into the Treasury of the United States is the rental amount of \$1,200 for the eating privilege, and I do not carry the other figures in my mind.

Mr. MANN. It says "all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States." What does that mean—money the bidders pay?

Mr. BENNET. Yes; money that the bidders pay.

Mr. MANN. And yet the section provides that the contract shall be let to the lowest bidder. The man that pays the lowest amount gets the contract.

Mr. BENNET. Oh, no.

Mr. MANN. That is what it says. It says that the money arising from the privileges should be put into the Treasury of the United States. It says that the contract shall be disposed of to the lowest responsible and capable bidder.

Mr. BENNET. Mr. Chairman, it is no part of my duties to defend this bill, and that function probably devolves upon the very able gentleman from Texas [Mr. SLAYDEN], who seems now to be in charge.

Mr. MANN. But this has not been in the law before.

Mr. BENNET. Oh, yes; that is existing law and has been for 20 years. What they mean by the lowest bidder is the man who will furnish the meals to the immigrants at the lowest price.

Mr. SLAYDEN. That is it exactly.

Mr. BENNET. That may be a very unfortunate method of expression, but that is the way it has been construed for a great many years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, agreement, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

Mr. BURNETT. Mr. Chairman, I move to strike out the word "first," in line 4, page 58.

The CHAIRMAN (Mr. CRISP). The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 58, line 4, by striking out the word "first."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The Clerk read as follows:

SEC. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon a warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Are these sections relating to seamen, and so forth, brought down to conform to the so-called seamen's act?

Mr. BURNETT. Yes. They were amended in the Senate, and the Senate report so states. While the seamen's bill had not been passed at that time, yet it was reported, and it was understood it would be passed, and they were amended so as to conform specifically to it.

Mr. MANN. The seamen's act, as it passed into law, was very different from what it was when it passed the Senate.

Mr. BURNETT. I understand they have been compared by the departments and that there is no conflict.

Mr. MANN. The department has gone over it?

Mr. BURNETT. Yes.

Mr. MANN. I notice here that they have stricken out the words respecting deserting the vessel and inserted the word "land." I suppose that was the reason for that change?

Mr. BURNETT. Yes.

Mr. MANN. They do not any longer desert.

Mr. BURNETT. Exactly, because the seaman's bill is supposed not to discourage desertion, and, therefore, the word

"first" was stricken out in order that even if the seaman lands he must give notice.

Mr. MANN. Suppose a seaman comes under the seaman's act and the immigration act on a vessel and is illiterate, and wants to take his time and leave the vessel? Can he do it?

Mr. BURNETT. If he gives notice after landing.

Mr. MANN. If he is illiterate can he leave his vessel?

Mr. BURNETT. Why, yes. As I understand it, any one can if he is going to reship.

Mr. MANN. What does he do if he is going to reship again? He can not go on shore and go where he pleases.

Mr. BURNETT. He makes the report that is required of his intention to reship. That is provided for.

Mr. MANN. Suppose a man wants to take his time and leave the vessel under the seaman's act. That will frequently happen, and I presume many of them may be illiterate, some of them anyway. What rights has he when he goes on shore? Is he confined anywhere; can he go anywhere he pleases? That would be an easy way for a man to get into the country. He has no money and he could not give a bond.

Mr. BURNETT. If he is here in violation of the law he is deported. The master has to give notice, and then this amendment provides that the seaman himself shall give notice.

Mr. MANN. The master will not give notice because the seaman wants to leave the vessel and leave the vessel without seamen. It may be an indirect strike. That is likely to occur even under the seamen's act. What can the seaman do? You say, give notice. You may talk about deporting him, but if he wanted to come in for that purpose you would never find him. That is what I want to know. If he was trying to avoid the immigration law he would not be standing around on the dock waiting for an officer to deport him.

Mr. BURNETT. It is like it was before as to other inadmissible aliens. If he comes in and is inadmissible for other causes, he will have to be hunted up. The authorities will have to find him before they can deport him.

Mr. MANN. Heretofore he had to run away from the master, who had the right to detain him on board the vessel, but he can not now. The master no longer has control over him. The seaman has the right to leave the vessel. He can not be taken into custody unless under the immigration law. I was trying to ascertain whether there was a loophole, as I feared there would be when we passed the seamen's act unless it was covered in the new immigration act.

Mr. BURNETT. This was referred to the various departments, and my understanding is that it is provided for. If he goes ashore and dodges, they have simply got to find him, just as they would any other man who had come in unlawfully.

Mr. MANN. If he can not go ashore, then the provision in the seamen's act authorizing him to leave the vessel amounts to nothing. If he can go ashore and go where he pleases, then any provision which you have in this bill amounts to nothing unless you find him again.

Mr. BURNETT. Of course not, unless we catch him.

Mr. MANN. Oh, well, he is safe.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to ask the gentleman a question. Now, under the seamen's act there is no provision made for taking care of these seamen that come into a port. They can come in and desert and can not be arrested and taken back. They can demand one-half of their wages and go ashore. Now, if there is no provision here, you have left a loophole open wide enough to bring in thousands of these aliens.

Mr. BURNETT. Not under this law.

Mr. HUMPHREY of Washington. Where is the provision here?

Mr. BURNETT. That may be a fault under the alien-seamen law, but I will not discuss that.

Mr. HUMPHREY of Washington. Unless there is some provision here to care for these aliens, there is none, for there is nothing in the seamen's law.

Mr. BURNETT. That was the suggestion made by the gentleman from Illinois a moment ago, and they simply have to be hunted down, just like one who comes in who is a criminal on the other side—that is, unless he gives notice he is illegally here—and the very fact he comes in will render him deportable.

Mr. HUMPHREY of Washington. The difference is this, that the ordinary alien makes a landing at a certain port and is examined before he is permitted to enter; but when a seaman comes, he comes right into the port and lands at the wharf, and he can leave the vessel at any time.

Mr. SABATH. I wish to state to the gentleman from Washington, as well as the gentleman from Illinois, that that is provided for in section 36—

Mr. HUMPHREY of Washington. What page?

Mr. SABATH. Page 60, in line 10, and is as follows:

And before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed.

Mr. HUMPHREY of Washington. What becomes of the men when the vessel comes into port if the sailors were to leave, and then when the vessel sailed, probably a week after; when loaded, what would become of those seamen in the meantime?

Mr. SABATH. The owner of the vessel would report any who desert.

Mr. HUMPHREY of Washington. But when he goes to depart, not when he comes in; the sailor may be away for a week or more, as I understand the provision here.

Mr. SABATH. No; I think if the gentleman will read the section carefully he will find that we make proper provision for illegal entries on the part of seamen, and then further on in the section we are reading now it provides that if they enter illegally and they are found at any time within three years they must be subject to an examination, and if they can not pass the examination to which all other aliens are subjected they will be ordered deported.

Mr. HUMPHREY of Washington. When this bill was under consideration before I called the attention of the committee to this subject, and unless you have taken care of it in this bill, it is not taken care of at all; that is certain.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Sec. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$50, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Labor, be mitigated or remitted.

Mr. BENNET. Mr. Chairman, until the gentleman from Illinois spoke in reference to the seamen my attention had not been called to these particular provisions in relation to the La Follette law, and I want to say in all frankness that unless in another place these particular provisions are amended, why, you have not any exclusion statute at all.

Mr. BURNETT. As to alien seamen?

Mr. BENNET. As to anybody in Europe who wants to come.

Mr. BURNETT. All right.

The Clerk read as follows:

Sec. 36. That upon the arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer in writing as soon as discovered all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

Mr. BENNET. Mr. Chairman, I would like to ask the gentleman from Alabama to answer this question: Suppose a man who is excluded—and we will take an Italian—under the preceding sections of this law because he is illiterate. Suppose he ships in a vessel sailing from Naples and comes to this country. Now, the gentleman will recall the case of a man who shipped on a ship and signed to be paid 50 cents for the round trip—obviously shipped for the purpose of getting into the United States.

Now, under the law as it was at that time his consul could pick him up for desertion, but under the La Follette Act, combined with this act, if that particular man leaves that particular ship when it arrives in the harbor of New York, he simply breaks a contract, and the consul has no right to pick him up. It may be true, if the immigration officials find him in the United States, they can deport him as a person unlawfully in the country, but he is not subject to examination; he has the right to get off the ship, and if he simply makes up his mind he will not go back to the ship he is here. I would like to ask the gentleman what part of my statement is incorrect?

Mr. BURNETT. I should say that in the main the gentleman is correct.

Mr. BENNET. So I say that if you do not strengthen this provision in another place every illiterate Italian who wants to come in can come.

Mr. BURNETT. There is general authority given to the Commissioner General of Immigration to make regulations for these matters, and under that authority it is likely he will prevent all that.

Mr. BENNET. He has authority to make regulations not inconsistent with law?

Mr. BURNETT. Yes.

Mr. BENNET. But he can not make regulations inconsistent either with this act or with the La Follette Act.

Mr. AUSTIN. I thought the gentleman from New York was in favor of the illiterates coming in; so this ought to appeal to him.

Mr. BENNET. I am in favor of them coming in legally, but I am not in favor of subterfuges.

Mr. SABATH. You would not charge the gentleman from Alabama with deliberately trying to make it possible for all these illiterate people, whom you claim could come in under the provisions of this law, to gain admittance to the United States? If the gentleman from New York attempts to cast any such insinuations against the gentleman from Alabama, I shall certainly protest. [Laughter.]

Mr. BENNET. I agree with the gentleman from Illinois as to the sincerity of the gentleman from Alabama [Mr. BURNETT]. He wants to keep the illiterate people out. I simply call attention to the fact that he is not doing it.

Mr. MANN. Mr. Chairman, I think the question is one that ought to be very carefully considered by the gentleman from Alabama after this bill passes. Nearly all these provisions that are in the bill now were in the bill that passed before the seamen's act became a law. There are a few slight changes.

I notice in this bill that you insert, in line 7, page 60, now "illegally landed from the vessel," although you carry the word "deserted," in line 17, and the word "desertion," in line 21. I do not know whether there is such a thing as desertion any more from a merchant vessel. Of course, there is from a naval vessel. The trouble will be that these men under the seamen's act have the right to demand their pay and to leave the service of the vessel, and then they are authorized to land, and there is no supervision over them except that a report must be made by the master when the vessel sails. Those men have landed and have not returned to the vessel. Well, vessels frequently are in port for several days or a week, and sometimes longer, and, of course, if the purpose should have been to evade the immigration law, it will be of very little value to know a week or two after a man landed that he did land. They will not find him, and his name will not be the same, and probably the color of his hair will not be the same. He will have changed.

Now, I do not undertake to say just what ought to be done, but I call it to the attention of the gentleman now, because when the seaman's act was up the matter gave me a good deal of difficulty as to what would happen with the immigration act if the literacy test did become the law.

Mr. SABATH. I wish to state to the gentleman from Illinois that that matter has been thoroughly considered by the committee, and the statement has been made that "once a seaman always a seaman," and that these men always live in certain sections of the city right close to the wharves or close to the landings.

Mr. MANN. Yes; but if my colleague will recall he will know that where you open a conduit and water is there it will

run down the hill. You open a method by which men can bring a class of citizens into the United States, and they will find a way if it is left open. Of course it will not be the real sailors who will do this, but it will be men who have been employed as sailors, with the provision that they will break their contract when they get here and do the identical thing that they can do, and do it legally.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words.

I want to say to the gentleman from Alabama [Mr. BURNETT] that in my experience in the Consular Service I visited the wharves every time a passenger vessel sailed for an American port, and they had to put on extra men every time they made up their crew. When they landed in America many of the crew deserted the ship, and they had difficulty in finding or providing a full crew on this side. So that unless this matter is carefully guarded many of those coming in in this way, filling the vacancies on the crews abroad, desert and thus avoid a compliance with the immigration laws.

Mr. BURNETT. That is the very purpose of this amendment. I will say that they bring them over here on the big ships, with a nominal passage of 50 cents, and as soon as they get here they desert and come in, and there is no way to prevent it. It is our intention to guard that as carefully as we can, and the law officer of the department tells me they have gone over it time and again with the officer that has charge of the seamen's law, and it is their opinion there will be no trouble.

Mr. SABATH. In addition to that, the section provides—

That after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered—

Not 7 days later or 10 days later—

as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension.

I think we have covered it carefully.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 37. That the word "person" as used in this act shall be construed to import both plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

Mr. BENNET and Mr. FOSS rose.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized.

Mr. BENNET. Mr. Chairman, I offer the following amendment in the way of a new section.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 18, page 61, as a new section, the following:

"When the President, in his discretion, shall deem it for the public interest so to do, he may, notwithstanding the provisions of this act, admit any alien by Executive order for such time or on such terms as he may deem advisable."

Mr. BENNET. Mr. Chairman, if I can have the attention of the gentleman from Alabama [Mr. BURNETT], I want to say that the intent of this act, especially the contract-labor provisions, is to tie up pretty strictly the admission of aliens. Now, conditions may arise in connection with the extension of our Army and Navy when some department of our Government should want for one purpose or another to bring an alien into this country, we will say, under contract. Under the existing law the right to do that would be very doubtful. This amendment simply reposes in the President of the United States the power, in a case in which he thought it was necessary for the best interests of the United States, by Executive order to let in a particular person. [Cries of "Vote!" "Vote!"]

Mr. BURNETT. Mr. Chairman, I ask for a vote. I could not agree to that.

Mr. POWERS. Mr. Chairman, the time of the gentleman from New York [Mr. BENNET] has not yet expired, and he has yielded to me for a question. My question is this: If your amendment should pass, then by Executive order the President could do away with any part of the immigration law, if he might so desire, and let any immigrant he wants to come into the country?

Mr. BENNET. Oh, a President could do that; but I do not think we have ever elected a President of the United States that would, and I do not think he will. I think he ought to have the power in exceptional cases.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was rejected.

Mr. FOSS. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] moves to strike out the last word, and asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I am in favor of this bill. I have always supported in this House a bill restricting immigration.

The Republican Party in its platform in 1896 declared in favor of the restriction of immigration and the imposition of an educational test to the effect that an alien should be able to read and write before being admitted to this country. The Republican platform in that day went a great deal farther than this bill does. This bill provides only that an alien shall be able to read 30 to 40 words in the English language or some other language; but the platform 20 years ago stated that he should not only read, but read *and write*, which is twice as burdensome a restriction as imposed in this bill; and that was declared at a time when the immigration into this country was only one-third as great as it has been during the last decade prior to the present war.

Mr. SABATH. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. FOSS. No; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOSS. We impose restrictions on immigration against the physically, mentally, and morally unsound, and why should we not place a restriction in the matter of illiteracy, knowing that its effect will be to keep out a great number of undesirable citizens who come here. It is not much of a test purely from the education standpoint, but it is a test of aspiration, as has been well said, and I trust that it will be to the immigrant a test of inspiration. [Applause.] In the past the only test has been the test of respiration. [Laughter.] American citizenship, in my judgment, is a thing to be striven for, and the more we impress that idea upon the immigrant who is about to come to this country, the higher he will value American citizenship when he gets here.

I realize that we are an immigrant Nation. Our forefathers came here from other countries. Some of them caught the first boat, and the rest came later. There have been two great tides of immigration. The old immigration began in the early period of the history of our country and ended about 1882, from the countries of high and central Europe. That was a magnificent immigration, because the people that came went out over the land and settled it and built homes and villages and towns and cities.

But the new immigration, coming from about the year 1882 down to the present time, has been composed largely of immigrants from the countries of low Europe. They have not settled the land. In fact, statistics go to show that less than 1 per cent of these people are to-day operating farms either as owners or tenants. A large percentage of them never bring their families with them, and most of their money they send home. Some of them who come over here care no more about this country than what they can make out of it. They have gone into our great cities and have increased and multiplied the problems of civic, industrial, and social life, and they have added tremendously to the burdens of government and have not thought enough of it to become citizens.

It is to my mind a dangerous situation that there are to-day nearly two million and a half male aliens over 21 years of age who have not taken any steps to become citizens. We have gladly in the past welcomed to this country citizens from every clime, but for my part, I am not willing much longer to throw open the doors to those who come here, and profit by their residence here, and who do not care to become identified with our country and to support and uphold its institutions.

We have treated the foreign born better than the native born. Some of the States in the Union have laws permitting aliens to vote upon filing first papers after six months' or one year's residence. But when it comes to the American boy, who is born here, we require that he shall pass through the different grades of our common school and then wait until he is 21 before he can vote. Is this justice to the American youth?

I think this educational test is the very least requirement that we could impose. It is so simple that anybody can conform to it, and then it is in keeping with the spirit of republican institutions. America ought to lead the world in literacy, but she does not; Germany does. The number of illiterates in Germany is less than in any other country.

Whenever I visit Plymouth, where our forefathers landed, I invariably climb the hill back of the town and look upon that splendid monument erected to the memory of the Pilgrim Fathers—a majestic figure of a woman representing Faith, resting upon four great foundation stones marked "Liberty, law, morality, and education." The impression that our country should make upon the immigrant when he lands first upon our shores is that we stand here for liberty and law and liberty under the law, and also for education and character. [Applause.]

There are some people who are afraid that a little Americanism will get into this bill. I want to say to you that what the country needs to-day is a revival of patriotic Americanism all over. [Applause.] It is high time that Americans looked after America. [Applause.]

I regard this bill a step toward national preparedness. With a protective tariff, a strong Army, and a large Navy we will be in a position to meet the issues of the future. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FOSS. I believe in a broad and educated Americanism, an Americanism whose first primer is the Pilgrims' covenant, drawn up in the cabin of the *Mayflower*, which declared that the freely expressed will of the majority should be the law of all, whose first reader is the Declaration of Independence, whose dictionary is the Constitution of the United States, and whose greatest commentary is the emancipation proclamation; an Americanism which will place the foreign-born sons side by side with the descendants of the Puritan and the Cavalier, *but no higher*, and whose loftiest sentiment is the exclamation of Patrick Henry, "I am not a Virginian, but am an American!" [Applause.]

So likewise, in these uncertain times let every citizen, regardless of his birthplace, rise to that supreme height of American patriotism where he can say, "I am not an Englishman, a German, a Frenchman, an Austrian, a Pole, or a Bohemian, but an American." [Applause.]

Mr. BURNETT. Mr. Chairman, I move that all debate on this section close in two minutes.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this section close in two minutes.

Mr. SABATH. Make it seven minutes.

Mr. BURNETT. Very well. I make it seven minutes, Mr. Chairman, the time to be used by the gentleman from Illinois [Mr. SABATH].

The CHAIRMAN. The gentleman from Alabama moves that all debate on this section close in seven minutes, the time to be used by the gentleman from Illinois [Mr. SABATH]. The question is on agreeing to that motion.

The motion was agreed to.

Mr. SABATH. Mr. Chairman, not knowing whether I will ever again have the opportunity on the floor of this House to defend the alien who comes to our shores in search of the political and religious freedom which he is denied in his native country and who comes here with respect and enthusiasm in his heart for the institutions and the fundamental principles upon which our great Nation is founded, I will attempt to briefly set before the House a few of the reasons which have prompted me during the past 10 years to lend a helping hand to the people who have, by coming to America in constantly increasing numbers, made possible the tremendous growth and development of these United States.

I realize that this bill is about to pass the House of Representatives, and I realize that in my bitter opposition to the literacy test which it contains I may have spoken harsh words and may have spoken hastily to some of the gentlemen who have urged the passage of this bill.

I wish to say that I sincerely hope that none of the gentlemen have taken offense at my remarks, and I trust that they will appreciate the fact that in the heat of debate we sometimes say things we do not mean.

The Members of this House who have voted in favor of the various amendments and in favor of the literacy test have done so believing that they were serving the best interests of the people whom they have been sent here to represent. I have opposed this bill in the same spirit, but I have opposed it with a knowledge of the conditions under which the people who come here have lived in their native countries. I have also opposed the bill with a knowledge of the conditions under which they

labor in the United States and the progress which they and their children after them have made.

I believe that if some of the gentlemen who have urged the passage of this immigration bill had had the same opportunity of acquainting themselves with these people as I have had they would have voted to strike out any suggestion of a literacy test.

The gentleman from Illinois [Mr. Foss] after remaining silent the six days of debate on this bill has just read into the Record a prepared speech in which he states that while the immigrants that came to this country prior to 1882 were desirable immigrants, those who have come to us subsequent to 1882 or during the last twenty-five odd years are of a class of people who can not be assimilated by this melting pot of all nations.

Does he refer to the sturdy, law-abiding German people? Does he refer to the Bohemian, the Polish, and the Jewish people who come to the United States with the idea of settling in a country where they will be free from the oppression of aristocracy and monarchy.

If the gentleman refers to these people, his statements are not only false and unjustified, but, being directed against the great majority of the people of the city which he in part represents, they are little short of traitorous.

Mr. Chairman, 76 per cent of the population of the city of Chicago—which the gentleman, as well as I, have the honor to represent—is composed of foreign-born people and citizens of foreign parentage. I defy the gentleman to say that the people of this great city are not patriotic, law-abiding citizens of these United States. [Applause.]

I have in my hand a report from the War Department, published only a few days ago, showing the number of young men who enlisted when the recent call was made for men to protect the honor of our flag and of our country. I am proud to say that in the city of Chicago a greater number of boys enlisted than in any other city of the United States.

About 12 per cent of all the enlistments came from a city 76 per cent of the population of which is composed of citizens of foreign birth or parentage.

Mr. Chairman, this is not the first time that the loyalty and patriotism of American citizens of foreign birth has been questioned. I have often heard this charge made on the floor of the House, and I have consistently answered the statements by saying that these people are as loyal to our flag and to the country of their adoption as those who are descended from the Pilgrims who came to this country in the *Mayflower*.

They demonstrated this in the Revolutionary War, in the Civil War, and in the Spanish-American War, and if the time ever comes when the citizens of the United States are called upon to give their lives to protect our country, the foreign-born Americans will again demonstrate to you that they are more than willing to give their quota of young men for the purpose of defending the institutions of the country for which they abandoned home, friends, and traditions. [Applause.]

Mr. BURNETT, the chairman of the Committee on Immigration of the House, and the father of this bill, has passionately appealed to you for the passage of the bill. He has again given you the same reasons as heretofore, namely, that he desires to protect the American laboring man and protect him from the terrible immigrant whom he charges with beating down the price of labor and lowering the standard of living in the United States.

To him and to all other gentlemen who make such arguments, such as my friend Mr. AUSTIN, the gentleman from Tennessee, Mr. QUIN, the gentleman from Mississippi, and others, I wish to say that they can not substantiate their statements nor can they prove that the immigrant has or is responsible for beating down the price of labor or lowering the standard of living here.

On the contrary, within the last 20 years, and especially within the last 10 years, the wage of the American laboring man has increased, the working hours have been reduced, and the standard of living has been improved. Especially is this true in all Northern and Eastern States, where we have the largest percentage of immigration.

I regret that this does not apply to such an extent in the Southern States, especially in the sections of the country which are represented by the gentlemen whom I have named.

The statistics show that within the past 12 years the hours of labor have decreased over 6 per cent and the wages have increased over 37 per cent.

Statistics showing the decrease in hours of labor and increase in wages, 1892 to 1912.

DECREASE IN HOURS.	Per cent.
Silk goods manufacturing.....	5.8
Lumber manufacturing.....	3.8
Millwork.....	5
Furniture manufacturing.....	7.3
Boot and shoe manufacturing.....	6.4

	Per cent.
Hosiery and knit goods.....	7.9
Woolen and worsted goods.....	6.3
Cotton goods manufacturing.....	8.1
Average.....	6.3

## INCREASE IN WAGES.

Silk goods manufacturing.....	18.8
Lumber manufacturing.....	29
Millwork.....	33.4
Furniture manufacturing.....	34.4
Boot and shoe manufacturing.....	34.8
Hosiery and knit goods.....	36.1
Woolen and worsted goods.....	49.7
Cotton goods manufacturing.....	61.5
Average.....	37.2

The average wage paid to railway employees in the year 1892 was \$2.12, and in the year 1912 it was \$3.09.

## Average daily compensation of railway employees.

	1892.	
Section foremen.....	\$1.76	
Carpenters.....	2.08	
Other shopmen.....	1.72	
Trainmen.....	2.29	
Firemen.....	2.08	
Machinists.....	2.08	
Enginemen.....	3.08	
Conductors.....	1.90	
Average.....	2.12	

	1912.	
Section foremen.....	2.07	
Carpenters.....	2.54	
Other shopmen.....	2.24	
Trainmen.....	2.88	
Firemen.....	2.94	
Machinists.....	3.14	
Enginemen.....	4.79	
Conductors.....	4.16	
Average.....	3.09	

This increase in wages applies to the North and East, but does not apply to the South, notwithstanding the fact that these Southern States are not hampered with immigration.

I have repeatedly stated on the floor of this House that if I thought that immigration was detrimental to the American laboring man I would not hesitate to vote for restrictive immigrant legislation.

But I have always maintained, and I maintain now, that immigration has been beneficial to the American laboring man and to our country.

It has elevated the American laboring man; it has improved conditions; it has created a demand for a higher grade and higher priced labor.

The great majority of these despised immigrants do the hardest kind of work. Those who do not work on the farms tilling the soil and producing our bumper crops are in our quarries and mines producing raw material. They are found in the forests cutting timber. They are found digging our ditches and building our roads.

One immigrant digs a ton of coal from a mine and another immigrant digs a ton of ore from a distant place. The ton of coal and the ton of ore are transported by still other laborers to the same factory. The coal is used in reducing the ore to iron and the iron is in turn worked by still other laborers into steel. In this way the initial labor of the immigrant creates a demand for skilled labor to complete the work which he has begun.

As to the lowering of the standard of living, every investigation that has been made in the last 20 years has shown that the living conditions of the laboring man have wonderfully improved.

Mr. Chairman, due to the large immigration during the past 20 years our country has prospered as no other country ever did. We are to-day recognized as the leading Nation of the world. In literature, art, and industry, as well as commerce, we are the richest and most prosperous Nation in the world, and in the largest measure this is due to the immigrants who helped to develop our resources and helped to build up our commerce, making it possible for us to-day to compete with and undersell the world.

Our exports in 1912 exceeded our imports by \$551,000,000. In 1913 our exports exceeded our imports by \$652,876,916, and in 1915 the excess of exports over imports was \$1,094,000,000.

## Exports and imports by land and sea.

Exports for 1914.....	\$2,364,579,148
Imports for 1914.....	1,893,925,657
Excess of exports over imports for 1914.....	470,653,491
Exports for 1915.....	2,768,589,340
Imports for 1915.....	1,674,169,740
Excess of exports over imports for 1915.....	1,094,419,600

Would this be possible if we did not have labor with which to produce and manufacture all the thousands of different articles which make up this great total? Not in the world.

It is charged that the immigrant does not go to the farm, and again the proponents of this measure are in error. It is the main hope of every immigrant to secure for himself as soon as possible a piece of land which he can call his own.

Mr. Chairman, in the year 1910 there were 478,451,750 acres of farm land improved and 400,346,575 acres of farm land unimproved in the United States. This shows that over 45 per cent of our total farm land, not including land unadapted for farm purposes, was still unimproved, and this surely indicates that there is plenty of farm land upon which our incoming immigrants may settle.

In the east North Central States 75.4 per cent of the farm land was improved, and in the west North Central States 70.6 per cent of the farm land was improved. This, Mr. Chairman, is the part of the country to which the great majority of the immigration goes. Contrast with this the South Atlantic section of the country, 46.7 per cent of the farm land of which is improved, and contrast it with the east South Atlantic section of the country, 53.9 per cent of the farm land of which is improved. To these latter sections of the country a very small percentage of our immigration goes.

The immigrants do go to our farms, in spite of the statements of the gentleman from Alabama and others to the contrary. The Department of Labor is now operating a special bureau to assist the alien arriving at our port of entry to get in touch with farmers who need the kind of labor which the immigrant is capable of furnishing. During the months of February, March, April, May, and June, 1915, the Bureau of Information of the Department of Labor, to which I have referred, received 76,421 applications for information relative to positions which were open to those who desired to earn an honest living.

This new bureau of the Department of Labor is rapidly widening its scope and within a short time will be able to reach out and take up the immigrant at Ellis Island, at Philadelphia, at Chicago, and at San Francisco and place him immediately in touch with waiting employment in the interior of the country. Not only will the activities of this bureau affect the incoming immigrant but it will relieve the congestion in our large cities which has been so bitterly complained of by certain Members during the debate upon this bill.

Mr. Chairman, much has been said in regard to child labor in the United States. In this connection I wish to say that out of 48 States in the United States 46 have legislated upon the subject of the hours of labor of minors and have by law restricted the hours of their employment. There are only two States—New Mexico and West Virginia—whose statute books are silent upon this subject.

In the State of Alabama, from which the chairman comes, children under 16 years of age, both boys and girls, employed in any gainful occupation are allowed to work 11 hours per day, 60 hours in a week, and 6 days out of each week. Agricultural and domestic servants may work all hours of the night and day.

In manufacturing establishments children from 16 to 18 years of age are at liberty to work from daylight until dusk, the only prohibition being that if the work is at night the service must be limited to eight hours.

As to mercantile establishments, the laws of the State of Alabama are entirely silent.

On the other hand, in the State of Illinois, which I have the honor in part to represent, children under 16 years of age are limited to eight hours per day six days each week. This work must be performed between the hours of 7 a. m. and 6 p. m. in the case of children under 14 and between the hours of 7 a. m. and 7 p. m. in the case of children between the ages of 14 and 16.

Mr. Chairman, a harsh and unjust literacy test has been inserted in this bill for the purpose of keeping out of this country those people who, through no fault of their own, have been deprived of the opportunity of acquiring an education in their native countries.

It may be true that a great number of the immigrants who present themselves for admission each year are illiterate, but this affects the arriving generation only. Under the laws obtaining in the majority of the States children under a certain age are compelled to attend school. These children are eager to learn. They attend our schools, and statistics will show that a great many of them attain a higher average in their studies than do the native-born children. For the information of the gentlemen of the House, I will read a statement which I hold showing the amount of money spent by eight of our Southern States for education in the year 1913 as contrasted with three of

our Northern States, to which the great majority of our immigration goes:

Money spent for education in 1913.	
SOUTHERN STATES.	
Alabama	\$4, 078, 676
Georgia	5, 403, 927
North Carolina	4, 067, 793
South Carolina	2, 576, 501
Virginia	5, 577, 874
Arkansas	4, 279, 478
Kentucky	6, 146, 302
Louisiana	4, 838, 491
	38, 569, 042
NORTHERN STATES.	
Illinois	38, 052, 971
New York	62, 041, 016
Pennsylvania	46, 577, 982
	146, 671, 969

From this you will see that while eight of our Southern States only expended \$38,569,042 for the education of their young people in the year 1913, three of our Northern States spent \$146,671,969. In my own State alone, the State of Illinois, as much money was spent for education in that year as was expended by the entire eight Southern States.

Mr. Chairman, it has been said that at the close of the present European conflict there will be a great influx of immigrants into the United States. On the contrary, thousands upon thousands of American citizens and aliens, as soon as the war is over, will depart for the fatherland and for the Old World to take the places of their older brothers and fathers who have been killed in this terrible war.

Some try to make us believe that immigration, after the war is over, will increase, but these statements can not be substantiated.

Europe will need every healthy citizen to help to rebuild its industries, and those who are not of sound mind and body can not enter the United States under the present immigration law.

As it is, children under 16 can not enter, unaccompanied by their parents, nor can anyone enter who is physically defective or liable to become a public charge.

Those who could come here under the present law the foreign Governments will not permit to come, as they will be needed at home.

Mr. Chairman, I will not detain the House any longer, but I do want to say that it is not easy to break home ties; it is not easy to leave one's native land, no matter what the conditions are under which the people of a particular country may be living. It is not easy to abandon home and friends and depart for a strange land.

For this reason it is only the individual who is brave enough and determined enough to better his condition in life who has the moral courage to take such a step. It is this character of man that first settled upon our shores, and it is this character of man, coming to our shores in constantly increasing numbers, who has made possible the tremendous growth of our country.

The Clerk read as follows:

Sec. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced on and after July 1, 1916. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, except as provided in section 19 hereof, nor to repeal, alter, or amend section 6, chapter 453, third session, Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea," and amendments thereto: *Provided further*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the third proviso of section 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

Mr. BURNETT. Mr. Chairman, I am about to move that the committee rise and report the bill, and I ask unanimous consent to proceed for three or four minutes, not in discussion of the bill but on another matter.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for four minutes. Is there objection? There was no objection.

Mr. BURNETT. Mr. Chairman, I want to emphasize what my distinguished colleague on the committee [Mr. SABATH] has said and express the views that I have of the patriotism of every

member of that committee, as well as every Member of this House. I have risen especially to say a few words in regard to the committee. Of that committee of 15 there were 7 new members. I have never seen any committee, either old or new, that worked more earnestly, more conscientiously, and more intelligently than that committee; and as an older member of the committee, having served on it for many, many years, I desire to state that some of the suggestions made by the new members of the committee were wise suggestions and have been incorporated in this bill. I believe that every man did his conscientious duty, and I never worked with a committee that was more harmonious, because every member of that committee was a born gentleman and not an outlaw. [Applause.] All the way through the long proceedings and deliberations I do not remember a single time when partisanship ever entered into the deliberations of the committee, unless it was for a moment or two in a facetious way. I believe every man on that committee worked and acted and voted as he thought, not for party advantage but as he believed for the good of this great country; because this is a nonpartisan question, and I am glad to say that gentlemen who have heretofore honestly and conscientiously opposed the bill time and time again have now realized that changed conditions have arisen under which something must be done. I have never taken any stock in the denunciation of hyphenated Americans, because I believe the record of the prosecutions in the courts during the last few months of those who were trying to destroy property showed that they were men without the hyphen, men who had never become American citizens. I am not afraid of those who have come here for the purpose of becoming American citizens, whether they come from Germany, from the Jewish countries, from Scotland, Ireland, or any other country. It is the men without the hyphen, who can not obtain the hyphen, who I believe are dangerous and whom I want to keep out.

Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BURNETT. Mr. Speaker, I believe that under the rule the previous question is considered as ordered upon a motion to recommit.

The SPEAKER. That is true. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross. The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. SABATH. Mr. Speaker, I desire to move to recommit the bill with instructions.

The SPEAKER. The gentleman from Illinois moves to recommit the bill with instructions, which the Clerk will report. The Clerk read as follows:

Mr. SABATH moves to recommit the bill H. R. 10384 to the Committee on Immigration and Naturalization, with instructions to strike out the following and report forthwith:

"That after three months from the passage of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years, and who have in accordance with the law declared their intention of becoming citizens

of the United States and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory."

Mr. SABATH. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. SABATH. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 284, answered "present" 3, not voting 39, as follows:

#### YEAS—107.

Bacharach	Dooling	Konop	Riordan
Bailey	Driscoll	Lieb	Roberts, Mass.
Barnfield	Dupré	Liebel	Rodenberg
Barnhart	Eagan	Lobeck	Rogers
Beakes	Esch	Loft	Rowe
Bennet	Estopinal	London	Sabath
Boehrer	Farley	McAndrews	Sanford
Borland	Fitzgerald	McDermott	Sherley
Britten	Flynn	Madden	Sherwood
Bruckner	Fordney	Maher	Siegel
Buchanan, Tex.	Freeman	Mann	Sloan
Burgess	Gallagher	Martin	Smith, Minn.
Burke	Gallivan	Moore, Pa.	Smith, N. Y.
Caldwell	Glynn	Moore, Ind.	Stafford
Cannon	Gordon	Morin	Stone
Carew	Gould	Mudd	Sutherland
Carter, Mass.	Gray, Ind.	Nichols, Mich.	Swift
Casey	Greene, Mass.	Norton	Taggart
Chandler, N. Y.	Griffin	Oakey	Tague
Coady	Hardy	Oglesby	Tinkham
Conry	Haskett	O'Shaunessy	Towner
Cooper, Wis.	Howell	Paige, Mass.	Treadway
Cramton	Hulbert	Patten	Vare
Crosser	James	Phelan	Walsh
Cullip	Kahn	Platt	Winslow
Dale, N. Y.	Keating	Rauch	Wood, Ind.
Dallinger	Kennedy, R. I.	Reilly	

#### NAYS—284.

Abercrombie	Doolittle	Hull, Iowa	Murray
Adair	Doughton	Hull, Tenn.	Neely
Adamson	Dowell	Humphrey, Wash.	Nelson
Aiken	Drukker	Humphreys, Miss.	Nicholls, S. C.
Alexander	Dunn	Husted	Nolan
Allen	Eagle	Hutchinson	North
Almon	Ellsworth	Jacoway	Oliver
Anderson	Elston	Johnson, Ky.	Olney
Anthony	Emerson	Johnson, S. Dak.	Overmyer
Ashbrook	Evans	Johnson, Wash.	Fadgett
Aswell	Farr	Jones	Page, N. C.
Austin	Ferris	Kearns	Park
Ayres	Fess	Keister	Parker, N. J.
Barkley	Fields	Kelley	Parker, N. Y.
Beales	Finley	Kennedy, Iowa	Peters
Bell	Flood	Kent	Porter
Black	Focht	Kettner	Pou
Blackmon	Foss	Key, Ohio	Powers
Britt	Foster	Kiess, Pa.	Pratt
Browne	Frear	Kincheloe	Price
Browning	Fuller	King	Quin
Buchanan, Ill.	Gard	Kinkaid	Ragsdale
Burnett	Gardner	Kitchin	Raker
Butler	Garland	Kreider	Ramseyer
Byrnes, S. C.	Garner	Lafane	Randall
Byrns, Tenn.	Gillett	La Follette	Rayburn
Callaway	Glass	Langley	Reavis
Campbell	Godwin, N. C.	Lazaro	Ricketts
Candler, Miss.	Good	Lee	Roberts, Nev.
Cantrill	Goodwin, Ark.	Leibach	Rouse
Capstick	Gray, Ala.	Lenroot	Rubey
Caraway	Gray, N. J.	Leshner	Rucker
Carlin	Green, Iowa	Lever	Russell, Mo.
Carter, Okla.	Greene, Vt.	Lindbergh	Russell, Ohio
Charles	Gregg	Linthicum	Saunders
Chipherfield	Hadley	Littlepage	Schall
Church	Hamilton, Mich.	Lloyd	Scott, Mich.
Clark, Fla.	Hamilton, N. Y.	Longworth	Sears
Cline	Hamlin	McArthur	Sells
Coleman	Harrison	McClintic	Shackleford
Collier	Hastings	McCracken	Shallenberger
Counelly	Haugen	McCulloch	Shouse
Cooper, Ohio	Hawley	McKellar	Sims
Cooper, W. Va.	Hay	McKenzie	Sinnott
Copley	Hayden	McKinley	Sisson
Costello	Hayes	McLaughlin	Slayden
Cox	Heaton	McLemore	Slomp
Crago	Heflin	Magee	Small
Crisp	Helgesen	Mapes	Smith, Idaho
Curry	Helm	Matthews	Smith, Mich.
Dale, Vt.	Hensley	Mays	Smith, Tex.
Danforth	Hernandez	Miller, Del.	Snell
Davenport	Hicks	Miller, Minn.	Snyder
Davis, Minn.	Hill	Miller, Pa.	Sparkman
Davis, Tex.	Hinds	Mondell	Stegall
Decker	Holland	Montague	Stedman
Dempsey	Hollingsworth	Moon	Steele, Iowa
Denison	Hood	Mooney	Steele, Pa.
Dickinson	Hopwood	Morgan, La.	Steenerson
Dies	Houston	Morgan, Okla.	Stephens, Cal.
Dill	Howard	Moss, Ind.	Stephens, Miss.
Dillon	Huddleston	Moss, W. Va.	Stephens, Nebr.
Dixon	Hughes	Mott	Stephens, Tex.

Sterling	Taylor, Colo.	Venable	Wheeler
Sulloway	Temple	Vinson	Williams, T. S.
Sumners	Thomas	Volstead	Williams, Ohio
Sweet	Thompson	Ward	Wilson, Fla.
Switzer	Tillman	Wason	Wilson, Ill.
Talbot	Timberlake	Watson, Va.	Wilson, La.
Tavener	Tribble	Webb	Wise
Taylor, Ark.	Van Dyke	Whaley	Young, N. Dak.

Guernsey  
Igoe  
ANSWERED "PRESENT"—3.  
NOT VOTING—39.

Brumbaugh	Gandy	Loud	Stout
Cary	Garrett	McFadden	Tilson
Darrow	Graham	McGillicuddy	Walker
Dent	Griest	Meeker	Watkins
Dewalt	Hamill	Morrison	Watson, Pa.
Doremus	Hart	Oldfield	Williams, W. E.
Dyer	Helvering	Rowland	Wingo
Edmonds	Henry	Scott, Pa.	Woods, Iowa
Edwards	Hilliard	Scully	Young, Tex.
Fairchild	Lewis	Stiness	

So the motion to recommit was lost.

The following pairs were announced:

For the session:

Mr. DEWALT with Mr. MCFADDEN.

On this vote:

Mr. DOREMUS (to recommit) with Mr. LEWIS (against).

Mr. HAMILL (to recommit) with Mr. YOUNG of Texas (against).

Mr. CARY (for motion to recommit) with Mr. WINGO (against motion).

Mr. WM. ELZA WILLIAMS (to recommit) with Mr. MEEKER (against).

Mr. LOUD (to recommit) with Mr. HILLIARD (against).

Mr. SCULLY (to recommit) with Mr. ROWLAND (against).

Mr. GRAHAM (to recommit) with Mr. HART (against).

Mr. EDMONDS (to recommit) with Mr. SCOTT of Pennsylvania (against).

Mr. FAIRCHILD (to recommit) with Mr. DENT (against).

Mr. IGOE (for motion to recommit) with Mr. DYER (against).

Mr. TILSON (to recommit) with Mr. EDWARDS (against).

Mr. MCGILLICUDDY (to recommit) with Mr. GUERNSEY (against).

Mr. STINESS (for motion to recommit) with Mr. HENRY (against motion to recommit).

Until further notice:

Mr. WALKER with Mr. DARROW.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. GRIEST with Mr. OLDFIELD.

Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. MORRISON. I voted "no" and I understand that Mr. MORRISON would vote "no," so I will allow my vote to stand.

The vote was then announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

Mr. SABATH. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 307, nays 87, answered "present" 3, not voting 36, as follows:

## YEAS—307.

Abercrombie	Charles	Ellsworth	Hastings
Adair	Chapfield	Elston	Haugen
Adamson	Church	Emerson	Hawley
Aiken	Clark, Fla.	Esch	Hay
Alexander	Cline	Evans	Hayden
Allen	Coleman	Farr	Hayes
Almon	Collier	Ferris	Heaton
Anderson	Connelly	Fess	Heflin
Anthony	Cooper, Ohio	Fields	Helgesen
Ashbrook	Cooper, W. Va.	Finley	Helm
Aswell	Cooper, Wis.	Flood	Helvering
Austin	Copley	Focht	Hensley
Ayres	Costello	Foss	Hernandez
Bailey	Cox	Foster	Hicks
Barkley	Crago	Frear	Hill
Beales	Crisp	Fuller	Hinds
Bell	Cullop	Gandy	Holland
Black	Curry	Gard	Hollingsworth
Blackmon	Dale, Vt.	Gardner	Hood
Borland	Danforth	Garland	Hopwood
Britt	Davenport	Garner	Houston
Browne	Davis, Minn.	Gillett	Howard
Browning	Davis, Tex.	Glass	Huddleston
Brumbaugh	Decker	Godwin, N. C.	Hughes
Buchanan, Ill.	Dempsey	Good	Hull, Iowa
Burnett	Denison	Goodwin, Ark.	Hull, Tenn.
Butler	Dickinson	Gray, Ala.	Humphrey, Wash.
Byrnes, S. C.	Dies	Gray, Ind.	Humphreys, Miss.
Byrns, Tenn.	Dill	Gray, N. J.	Husted
Callaway	Dillon	Green, Iowa	Hutchinson
Campbell	Dixon	Greene, Vt.	Jacoway
Candler, Miss.	Doolittle	Gregg	Johnson, Ky.
Cantrill	Doughton	Hadley	Johnson, S. Dak.
Capstick	Dowell	Hamilton, Mich.	Johnson, Wash.
Caraway	Drukker	Hamilton, N. Y.	Jones
Carlin	Dunn	Hamlin	Kearns
Carter, Okla.	Eagle	Harrison	Keating

Keister	Miller, Del.	Rauch	Stephens, Nebr.
Kelley	Miller, Minn.	Rayburn	Stephens, Tex.
Kennedy, Iowa	Miller, Pa.	Reavis	Sterling
Kent	Mondell	Ricketts	Sulloway
Kettner	Montague	Roberts, Nev.	Sumners
Key, Ohio	Moon	Rodenberg	Sutherland
Kiess, Pa.	Mooney	Rogers	Sweet
Kincheloe	Moore, Ind.	Rouse	Switzer
King	Morgan, La.	Rubey	Taggart
Kinkaid	Morgan, Okla.	Rucker	Talbot
Kitchin	Moss, Ind.	Russell, Mo.	Tavener
Kreider	Moss, W. Va.	Russell, Ohio	Taylor, Ark.
Lafean	Mott	Schall	Taylor, Colo.
La Follette	Mudd	Scott, Mich.	Temple
Langley	Murray	Scott, Pa.	Thomas
Lazaro	Neely	Sears	Thompson
Lee	Nelson	Sells	Tillman
Lehlbach	Nicholls, S. C.	Shallenberger	Timberlake
Lenroot	Nolan	Shouse	Treadway
Leshner	North	Sims	Tribble
Lever	Oliver	Sinnott	Van Dyke
Lindbergh	Olney	Sisson	Venable
Linthicum	Overmyer	Slayden	Vinson
Littlepage	Padgett	Slemp	Volstead
Lloyd	Page, N. C.	Sloan	Ward
Longworth	Park	Small	Wason
McArthur	Parker, N. J.	Smith, Idaho	Watson, Pa.
McClintic	Parker, N. Y.	Smith, Mich.	Watson, Va.
McCracken	Peters	Smith, Minn.	Webb
McCulloch	Porter	Smith, Tex.	Whaley
McKellar	Pou	Snell	Wheeler
McKenzie	Powers	Snyder	Williams, T. S.
McKinley	Pratt	Sparkman	Williams, Ohio
McLaughlin	Price	Steagall	Wilson, Fla.
McLemore	Quin	Stedman	Wilson, Ill.
Magee	Ragsdale	Steele, Iowa	Wilson, La.
Mann	Rainey	Steele, Pa.	Wise
Mapes	Raker	Steenserson	Wood, Ind.
Matthews	Ramsayer	Stephens, Cal.	Young, N. Dak.
Mays	Randall	Stephens, Miss.	

## NAYS—87.

Bacharach	Dooling	Kahn	Phelan
Barchfield	Driscoll	Kennedy, R. I.	Reilly
Barnhart	Dupré	Konop	Riordan
Beakes	Eagan	Lieb	Roberts, Mass.
Bennet	Estopinal	Liebel	Rowe
Britten	Farley	Loebck	Sabath
Bruckner	Fitzgerald	Loft	Sanford
Buchanan, Tex.	Flynn	London	Sherley
Burgess	Fordney	McAndrews	Sherwood
Burke	Freeman	McDermott	Siegel
Caldwell	Gallagher	Madden	Smith, N. Y.
Cannon	Gallivan	Maher	Stafford
Carew	Glynn	Martin	Stone
Carter, Mass.	Gordon	Moore, Pa.	Swift
Casey	Gould	Morin	Tague
Chandler, N. Y.	Greene, Mass.	Nichols, Mich.	Tinkham
Coady	Griffin	Norton	Townner
Conry	Hardy	Oakey	Vare
Crampton	Haskell	Oglesby	Walsh
Crosser	Howell	O'Shaunessy	Winslow
Dale, N. Y.	Hulbert	Paige, Mass.	Woods, Iowa
Dallinger	James	Patten	

## ANSWERED "PRESENT"—3.

Booher  
Guernsey  
Igoe  
NOT VOTING—36.

Cary	Garrett	McFadden	Shackelford
Darrow	Graham	McGillicuddy	Stiness
Dent	Griest	Meeker	Stout
Dewalt	Hamill	Morrison	Tilson
Doremus	Hart	Oldfield	Walker
Dyer	Henry	Platt	Watkins
Edmonds	Hilliard	Rowland	Williams, W. E.
Edwards	Lewis	Saunders	Wingo
Fairchild	Loud	Scully	Young, Tex.

So the bill was passed.

Mr. BOOHER. Mr. Speaker, I desire to inquire how I am recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. BOOHER. Mr. Speaker, I voted inadvertently. I am paired with the gentleman from Missouri, Mr. MEEKER, and I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. BOOHER was called, and he answered "Present."

Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. MORRISON. I voted "yea." I understand that if he were present he would vote "yea" also, so I desire to have my vote stand.

The Clerk announced the following additional pairs:

On the vote:

Mr. GRIEST (for immigration bill) with Mr. EDMONDS (against immigration bill).

Mr. HENRY (for immigration bill) with Mr. STINESS (against immigration bill).

Mr. GUERNSEY (for immigration bill) with Mr. MCGILLICUDDY (against immigration bill).

Mr. HART (for immigration bill) with Mr. GRAHAM (against immigration bill).

Mr. ROWLAND (for immigration bill) with Mr. SCULLY (against immigration bill).

Mr. HILLIARD (for immigration bill) with Mr. LOUD (against immigration bill).

Mr. LEWIS (for immigration bill) with Mr. DOREMUS (against immigration bill).

Mr. WINGO (for immigration bill) with Mr. CARY (against immigration bill).

Mr. DYER (for immigration bill) with Mr. IGOE (against immigration bill).

Mr. MEEKER (for immigration bill) with Mr. BOOHER (against immigration bill).

Mr. EDWARDS (for immigration bill) with Mr. TILSON (against immigration bill).

Mr. YOUNG of Texas (for immigration bill) with Mr. HAMILL (against immigration bill).

Mr. DENT (for immigration bill) with Mr. FAIRCHILD (against immigration bill).

Until further notice:

Mr. WM. ELZA WILLIAMS with Mr. PLATT.

The result of the vote was announced as above recorded.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DOREMUS, for 10 days, on account of important business.

To Mr. RODENBERG, on account of sickness.

#### PERSONAL PRIVILEGE.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask unanimous consent to address the House for five minutes in defense of some of my constituents.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes in defense of some of his constituents. Is there objection?

Mr. GALLIVAN. Mr. Speaker, reserving the right to object—and I do not know whether I will object or not—I desire to have that request coupled with one I shall make, and that is that I be given such time as the gentleman from Texas in case I see fit to ask for it.

Mr. STEPHENS of Texas. Mr. Speaker, I have no way of controlling this House.

Mr. GALLIVAN. I have of the gentleman's request; I can stop the gentleman's request.

The SPEAKER. The gentleman from Texas asks unanimous consent to be permitted to address the House for five minutes on a matter of a personal nature, and the gentleman from Massachusetts [Mr. GALLIVAN] couples with it the request that he be allowed to have such time as the gentleman from Texas uses if he wants to do so. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Speaker, during my absence from the House day before yesterday while presiding over a meeting of the Committee on Indian Affairs, then in session, the gentleman from Massachusetts [Mr. GALLIVAN] made an unjust and unwarranted attack on some of the good citizens of Cooke County, Tex. The attack is based on the fact that some men were hanged at Gainesville in the early part of the Civil War. I do not know enough about the history of the matter to now attempt a complete reply to this attack, but at a later day I shall be able to produce facts to successfully refute his unwarranted statements. No county or State in this Union has a better citizenship than Cooke County now has or has always had.

The men hanged, so I have always understood, were hanged after being tried and found guilty by a military tribunal composed of Confederate and State officers. The persons hanged were charged with treason against the State and the Confederacy by arming themselves and forming a military oath-bound secret organization, for the purpose of joining a regiment of Kansas "Jay Hawkers," who were believed then to be preparing to invade Texas from the north, Cooke County having been selected as the point of attack.

Mr. Speaker, I have just been handed a telegram from Mr. J. Z. Keel, the mayor of Gainesville, the county seat of Cooke County, the town so maliciously attacked by the gentleman from Massachusetts. The character of Mr. Keel is unimpeachable, and no man in Texas stands higher in the public estimation.

I am willing to stake my own reputation for truth that every word of this telegram is true; and its truth will be proved to the full satisfaction of this House before this matter is ended. The telegram is as follows:

GAINESVILLE, TEX., March 29, 1916.

Hon. JOHN H. STEPHENS,  
Washington, D. C.:

The accusation made by GALLIVAN that 42 men were hung here because they refused to join the Confederate Army is a falsehood of such

enormous proportions that the honorable gentleman should make an apology before your august body.

J. Z. KEEL, Mayor.

[Applause.]

The language I used in my speech which the gentleman took as his text for maligning myself and my constituents is as follows:

Mr. Speaker, the Bible tells us that a man can not serve two masters, and human experience abundantly sustains this doctrine, therefore there can be no English, German, Irish, or Catholic American, because a man can not serve two masters; if they are Americans, they can not be a German, Britisher, or Irishman. I regret to state that many men who have taken the oath of allegiance to the United States, thereby renouncing their allegiance to any foreign prince, potentate, or power, have since the beginning of the present great European war forgotten their oaths and are now boldly taking the side of their relatives by blood, and have also boldly criticized our Congress and our President, thereby rocking our ship of state, making it much harder for our good and great President to steer clear of all foreign complications that might lead our country into war, which God forbid.

That is the language that is objected to by the gentleman from Massachusetts.

Construing that sentence as I intended it would read this way: "There can not be a German, there can not be a Britisher, or there can not be an Irishman if they are Americans."

Mr. HULBERT. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS of Texas. I will yield when I get through with my statement, if I have any time remaining. It was furthest from my thought when I wrote this language in the speech to raise any question relative to any religion or want of religion, and the argument here was that we should have no hyphenated American in this country so strongly set forth as it is in the President's last message to this House. That seems to be the gist of my crime, and the reason why the gentleman has become so aroused and attacks the people of my district as he has done.

After quoting this, my language, in his speech, he launches out into a diatribe of abuse against myself and the citizens of Texas and Cooke County. What connection he found between the above language used by me in advocating the Burnett immigration bill and the alleged crime of the citizens of Texas, said to have been committed during the Civil War, is entirely beyond my comprehension.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the gentleman be granted five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Texas have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. The malicious charges made by him are found in a five-column speech alleged to have been made by him in five minutes. The fact is that only one-half of the first column was made on the floor of the House of Representatives; he was yielded only five minutes to talk, and he has put a 30-minute speech in the RECORD, and it is found in the current debates of that day and where all of the language used is required to have been actually spoken on the floor. He knew that I was not present and took advantage of my absence to abuse my constituents. As to myself, I bid him—

Lay on, Macduff;

And damn'd be he that first cries, "Hold, enough!"

[Applause.]

The above language used by me that he pretends to answer was not and does not purport to have been made on the floor, but is printed in an appendix to the RECORD, where speeches by permission of the House are permitted to be printed as extension of remarks. This has been the practice of the House for many years.

The gentleman from Massachusetts seems to have just found out that Texas was a rebellious State and that it was his privilege to abuse her for joining the Southern Confederacy. Does he not know that when the South laid down her arms she did so in good faith, and that each State of the former Confederacy sent her quota of volunteers to the Spanish-American War as readily as any of the Northern States? The Republican Party ruled this Nation for many years by waving the bloody shirt, and it has remained for the gentleman from Massachusetts, who claims to be a Democrat, to continue to disgrace his party by digging up and raising aloft the old discredited bloody shirt and make it do service in the unholy crusade designed to leave the doors open for introducing into this country thousands of undesirable immigrants.

I shall always fight and vote for stringent immigration laws, notwithstanding the howlers may howl, the growlers may growl, and the ghouls who delight in digging into the graves of the past may thereby continue to dig their own political graves as

deep as their ghoulish instincts may dictate. It is only a few politicians who indulge in this nefarious practice.

Mr. Speaker, I thank the House for the extension of time. [Applause.]

Mr. GALLIVAN. Mr. Speaker—

The SPEAKER. The gentleman from Massachusetts is recognized for nine minutes.

Mr. GALLIVAN. Mr. Speaker, I accept the gentleman's apology. [Laughter.] The next time that he gets unanimous consent to print a speech in the Record I suggest to the gentleman from Texas that he print with it a constructive map, so that no one may again misconstrue just what he intended to say. He did not intend to criticize the Catholic. Again, I accept his apology, and the apology that I send back to the mayor of Gainesville is this: I am going to offer in this House a resolution appropriating \$100,000 for a monument to be erected in Gainesville to the memory of those martyred heroes of the Civil War. [Applause.] That is my apology! How do you like it?

Now, the gentleman from Texas says that he was absent from the floor of this House when I spoke on Tuesday, and that I took advantage of his absence. As a matter of fact, I never knew him to see him until yesterday. [Laughter.] Almost from the first day that he entered this House I have known something of his narrowness and bigotry, and when he speaks of "ghoulish glee" let me say to the gentleman from Texas that I am a better Democrat than he is, and that every time I open my mouth in this House I am serving my party better than he has served it in his entire career. I never hear the religious question raised in this House except on this side of the aisle, and the gentleman ought to be ashamed of himself to raise it in this enlightened era. He is making it almost an impossibility for you, Mr. Speaker, to preside over the next Congress of the United States. [Applause on the Republican side.]

The gentleman—once again may I make it clear to the House—the gentleman rose here one day last week and, asking unanimous consent to extend his remarks, without uttering one word of any speech—because he has not the courage to make that kind of a speech on this floor—printed a speech in the back of the Record in which he made the attack to which I took exceptions.

Mr. HEFLIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. I am afraid that these gentlemen are getting a little personal in their remarks. [Laughter.]

The SPEAKER. Of course the gentleman from Massachusetts [Mr. GALLIVAN] will observe the rules.

Mr. GALLIVAN. Of course, Mr. Speaker, as closely as the gentleman from Texas [Mr. STEPHENS] observes them.

Now, Mr. Speaker, I was about to say when interrupted by the great champion of the South, my good friend from Alabama [Mr. HEFLIN], that of this speech not one word was delivered in this Hall. What I had to say about the gentleman from Texas—every word of it—was spoken from the very spot where I now stand. The only extension in my remarks was the historical narrative relating to these awful murders at Gainesville; and if they are not authentic, then you from Gainesville should rise here and offer a resolution to expurgate the Congressional Library, a library which has cost the Government millions of dollars already, and is costing us millions more to maintain—expunge from it the books from which I quoted what I had to say, not about the people of your city to-day, excepting as represented here, but about the people of Gainesville in 1862. You said, sir, that no Irishman, no German, no Englishman, no Catholic could be a good American—

Mr. CARTER of Oklahoma. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CARTER of Oklahoma. The gentleman has no right to address another Member of the House in the second person.

The SPEAKER. The gentleman is absolutely correct.

Mr. GALLIVAN. I was addressing the Member from Texas through the Chair.

The SPEAKER. The gentleman from Massachusetts must not address a Member of the House by the second personal pronoun.

Mr. GALLIVAN. The gentleman was worried about how I could make a connection between his remarks and what happened at Gainesville. He said in the Record that these men he assailed could not be patriotic Americans, and I just wanted to have the House and the country know the kind of patriotism the gentleman from Texas imbibed in his youth, and that is the kind of patriotism I am proud to say no Irish-American, no German-American, no English-American, and no Catholic-American can ever be persuaded to adopt in this day and this hour. That is the connection I made between his remarks and the kind of patriotism that he and the people of his city in 1862 preached.

Now, Mr. Speaker, I have no personal quarrel with the gentleman. [Laughter.] As I said before, until yesterday I did not even know him. I know something now of his career in Congress when these questions come up, and I am almost ashamed, knowing what I know about him, to sit on the same side of the aisle with him. He does not do his party the service that he stands here pretending to do.

He is doing you men from the South incalculable harm in the North and in the West, and when I challenge his statements I do it as much for my party as I do it for my people. Oh, I will come back here just as long as I choose to come. I shall be in Congress when you shall be out of it. I never fear for my future in these halls so long as I have the power of speech to answer attacks like those of the gentleman from Texas. [Applause.]

#### AMERICAN ACADEMY OF ARTS AND LETTERS.

Mr. SLAYDEN. Mr. Speaker, I ask that Senate bill 1424, incorporating the American Academy of Arts and Letters, now on the Speaker's table, be laid before the House for present consideration.

The SPEAKER. The Chair lays before the House Senate bill 1424, an identical House bill being reported with a favorable report on the House Calendar. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1424) incorporating the American Academy of Arts and Letters.

*Be it enacted, etc.,* That William Dean Howells, of Maine; Henry Adams, of the District of Columbia; Theodore Roosevelt, of New York; John Singer Sargent, of Massachusetts; Daniel Chester French, of New York; John Burroughs, of New York; James Ford Rhodes, of Massachusetts; Horatio William Parker, of Connecticut; William Milligan Sloane, of New Jersey; Robert Underwood Johnson, of New York; George Washington Cable, of Massachusetts; Andrew Dickson White, of New York; Henry van Dyke, of New Jersey; William Cary Brownell, of New York; Basil Lanneau Gildersleeve, of Maryland; Woodrow Wilson, of New Jersey; Arthur Twining Hadley, of Connecticut; Henry Cabot Lodge, of Massachusetts; Edwin Howland Blashfield, of New York; William Merritt Chase, of New York; Thomas Hastings, of New York; Hamilton Wright Mabie, of New Jersey; Brander Matthews, of New York; Thomas Nelson Page, of the District of Columbia; Elihu Vedder, of Massachusetts; George Edward Woodberry, of Massachusetts; Kenyon Cox, of New York; George Whitefield Chadwick, of Massachusetts; Abbott Handerson Thayer, of New Hampshire; Henry Mills Alden, of New Jersey—

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and fifteen gentlemen are present—not a quorum.

Mr. SLAYDEN. A call of the House, Mr. Speaker.

Mr. KITCHIN. Mr. Speaker, I would like to ask unanimous consent that when the House adjourns to-day it adjourn until—

The SPEAKER. You can not do anything without a quorum. Does the gentleman from Texas move a call of the House or not?

Mr. SLAYDEN. I did move a call of the House, Mr. Speaker.

#### ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House adjourn.

Mr. KITCHIN. I move, Mr. Speaker, that the House adjourn.

The SPEAKER. Two gentlemen move that the House adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Friday, March 31, 1916, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OGLESBY, from the Committee on Patents, to which was referred the bill (H. R. 13720) to amend section 4894 of the Revised Statutes relating to patent applications, reported the same without amendment, accompanied by a report (No. 454), which said bill and report were referred to the House Calendar.

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association, reported the same with amendment, accompanied by a report (No. 455), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 456), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves, reported the same with amendment, accompanied by a report (No. 457), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and a memorial were introduced and severally referred as follows:

By Mr. GARNER: A bill (H. R. 13977) for the erection of a public building at Seguin, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: A bill (H. R. 13978) to enable the people of Alaska to form a constitution and a State government, and for the admission of such State into the Union on an equal footing with the original States; to the Committee on the Territories.

By Mr. OGLESBY: a bill (H. R. 13979) to amend the Judicial Code; to the Committee on the Judiciary.

Also, a bill (H. R. 13980) to amend the Judicial Code; to the Committee on the Judiciary.

Also, a bill (H. R. 13981) to amend the copyright law; to the Committee on Patents.

Also, a bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens; to the Committee on Patents.

By Mr. FREEMAN: A bill (H. R. 13983) to provide for the purchase of a site and the erection of a public building thereon at Essex, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. VARE: A bill (H. R. 13984) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa.; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 13985) amending an act entitled "An act divesting intoxicating liquors of their interstate character in certain cases," which became a law on the 1st day of March, 1913; to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 13986) to authorize the acquisition of a site and the erection of a Federal building at Hazard, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. GILLET: A bill (H. R. 13987) to regulate the use of alcohol in the manufacture and production of flavoring extracts; to the Committee on Ways and Means.

By Mr. PETERS: A bill (H. R. 13988) for the incorporation of the General Board of Religious Education; to the Committee on the District of Columbia.

By Mr. CULLOP: Resolution (H. Res. 190) to investigate the Amherst (Ohio) wreck on the New York Central Railroad; to the Committee on Rules.

By Mr. LOFT: Resolution (H. Res. 191) providing for the appointment of a select committee to investigate cause of the freight congestion as a result of embargoes placed on inbound freight to New York City; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Concurrent resolution (H. Con. Res. 23) providing for the printing of 10,000 copies of the Biographical Congressional Directory; to the Committee on Printing.

By Mr. GALLIVAN: Memorial from the Legislature of the State of Massachusetts, relative to the conditions of destitution in Poland and to the entry of food therein; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 13989) for the relief of the estate of William Holmes; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 13990) granting an increase of pension to Diantha Staley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13991) granting an increase of pension to Susan E. Lime; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13992) granting an increase of pension to William R. Hogue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13993) granting an increase of pension to William A. Griner; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 13994) for the relief of the estate of John Boyer, deceased; to the Committee on Claims.

By Mr. BORLAND: A bill (H. R. 13995) granting an increase of pension to James G. Haner; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 13996) granting a pension to Reuben Solomons; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 13997) granting an increase of pension to Charles H. Benjamin; to the Committee on Pensions.

Also, a bill (H. R. 13998) granting an increase of pension to George W. Stevenson; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 13999) granting an increase of pension to Mary E. Raymond; to the Committee on Invalid Pensions.

Mr. BYRNS of Tennessee: A bill (H. R. 14000) for the relief of the heirs of James W. Powers; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 14001) granting a pension to Thomas S. Shipp; to the Committee on Pensions.

By Mr. COLEMAN: A bill (H. R. 14002) granting a pension to Joseph M. Reckley; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 14003) granting an increase of pension to Charles H. Twomey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14004) granting an increase of pension to Alpheus P. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14005) granting a pension to Amanda J. Gunning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14006) granting a pension to America D. Creech; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 14007) granting an increase of pension to Catharine McCullough; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14008) granting a pension to Wheeler Smith; to the Committee on Pensions.

By Mr. HENSLEY: A bill (H. R. 14009) granting an increase of pension to George W. Winfield; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 14010) granting an increase of pension to William Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14011) granting an increase of pension to James Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14012) to correct the military record of William Vanover; to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 14013) granting an increase of pension to Thomas A. Carter; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 14014) granting a pension to Madeleine Goetz; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 14015) granting a pension to Nancy A. Welch; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 14016) for the relief of Robert N. Campbell; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 14017) granting an increase of pension to Henderson Morgan; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 14018) granting an increase of pension to Charles E. Gerrold; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 14019) granting an increase of pension to Robert Hudson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14020) granting a pension to James D. Arthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14021) granting a pension to Cany Hopson; to the Committee on Pensions.

Also, a bill (H. R. 14022) granting an increase of pension to Delila Lloyd; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 14023) permitting the waiving of limitations as to age relating to the appointment of Cardinal T. Wolsey to the Medical Reserve Corps; to the Committee on Military Affairs.

Also, a bill (H. R. 14024) granting a pension to Catherine Wright; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 14025) to remove the charge of desertion from the record of William Denham; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 14026) granting a pension to Delos M. Porter; to the Committee on Pensions.

By Mr. WARD: A bill (H. R. 14027) granting an increase of pension to Hiram Beach; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 14028) granting an increase of pension to Susan C. Clough; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of city of Portland in re bill disproving O. & C. land grants; to the Committee on the Public Lands.

Also (by request), memorial of Washington Camp, No. 11, Patriotic Order Sons of America, urging preparedness; to the Committee on Military Affairs.

By Mr. BACHARACH: Memorial of Senate of New Jersey in re preparedness; to the Committee on Naval Affairs.

Also, memorial of Senate of New Jersey, favoring the Smith-Hughes bill, on vocational education; to the Committee on Education.

Also, memorial of Senate of New Jersey, asking the enactment of legislation and classification of the valuable documents and records of the Nation; to the Committee on Public Buildings and Grounds.

By Mr. BAILEY: Petitions of sundry citizens and Fourth Lutheran Church of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEAKES: Petition of J. J. Lewis and 28 citizens of Jackson, Mich., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petitions of Rebekah Lodge, No. 377, of Deerfield; Presbyterian Sunday School of Deerfield; First Baptist Church of Ypsilanti; Ypsilanti Woman's Club; Ypsilanti Woman's Christian Temperance Union; Plymouth Church of Adrian; First Methodist Episcopal Church of Adrian; First Presbyterian Church of Adrian; First Baptist Church of Adrian; Free Methodist Church of Adrian; First Baptist Church of Weston; Weston Woman's Christian Temperance Union; Baptist Church and Sunday School of Manitou Beach, all in the second congressional district of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. A. Wilson and 61 users of gasoline, of Morenci, Mich., urging that action be taken to regulate the price of gasoline; to the Committee on Interstate and Foreign Commerce.

Also, petitions of F. J. Godell and 6 citizens, of Wyandotte; Mrs. H. J. Luce and 39 citizens, of Blissfield; J. C. Burroughs and 20 citizens, of Dundee, all in the State of Michigan, requesting the passage of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of S. A. Wiard and 23 patrons and stockholders of the Ypsilanti Dairy Association, of Ypsilanti, Mich., protesting against any curtailment of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of S. D. Forman and 14 citizens of Monroe County, William F. McPherson and 39 citizens of Rhodes, William J. Hicks and 20 citizens of Alma, and James Robb and 47 citizens of Belleville, all in the State of Michigan, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BEALES: Papers to accompany House bill 13351, for relief of Mary J. Hamilton; to the Committee on Invalid Pensions.

Also, petition of General John Sedwick Woman's Relief Corps, No. 86, Department of Pennsylvania, urging the reporting and passage of the Ashbrook bill; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: Petition of Henry B. Otto, of New York, favoring passage of House bill 10845, for military training in civil educational institutions; to the Committee on Education.

Also, petition of John Burnside, of New York City, favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Albert Kraus, of New York City, favoring Emerson resolution for relief of babies of Europe; to the Committee on Foreign Affairs.

Also, petition of Michael J. Ryan, of New York City, relative to McTague reporting to Committee on the Post Office and Post Roads; to the Committee on the Post Office and Post Roads.

By Mr. BRUMBAUGH: Evidence to accompany House bill 6990, granting an increase of pension to John H. Prather; to the Committee on Invalid Pensions.

By Mr. BURKE: Petitions of Efficiency Institute, Waupun; Woman's Christian Temperance Union of Lake Mills; and 12

citizens of Richfield, all of Washington County, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 17 citizens of Westville, N. J., against passage of House bill 9411, relating to motor boats; to the Committee on the Merchant Marine and Fisheries.

By Mr. COOPER of West Virginia: Petitions of Ladies' Aid, Methodist Episcopal Church of Huntington; Methodist Episcopal Church of Huntington; Central Woman's Christian Temperance Union, of 100 people, of Huntington; and 45 people of Rowlesburg, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of Salem (S. Dak.) Study Club, favoring investigation of dairy products; to the Committee on Rules.

By Mr. DYER: Petition of Major E. M. Brown Camp, No. 22, United Spanish War Veterans, Department of Washington and Alaska, favoring preparedness; to the Committee on Military Affairs.

By Mr. ESCH: Petition of American Society of Equity, of St. Croix County, Wis., against passage of House bill No. 6871; to the Committee on Labor.

By Mr. FLYNN: Memorial of Knights of Columbus Institute of Brooklyn, N. Y., favoring preparedness; to the Committee on Military Affairs.

By Mr. FREEMAN: Petitions of Schiller Lodge, No. 92, of Middletown; Herman Lodge, No. 13, D. A. H. S., of Middletown; and German-American Alliance of Middletown, Conn., asking for the passage of House joint resolutions 14 and 81, Senate bills 3033, 3034, Senate joint resolutions 73 and 74, and House bill 6828; to the Committee on Foreign Affairs.

Also, petitions of Schiller Lodge, No. 92, of Middletown; Herman Lodge, No. 13, D. A. H. S., of Middletown; and German-American Alliance of Middletown, Conn., asking for the defeat of House joint resolutions 20, 84, 85, 90, and 30, Senate joint resolutions 41, 55, and 64; to the Committee on the Judiciary.

Also, petitions of Schiller Lodge, No. 92, of Middletown; Herman Lodge, No. 13, D. A. H. S., of Middletown; and German-American Alliance of Middletown, Conn., asking for passage of House bills 81, 3614, 4741, and 6083; to the Committee on the Judiciary.

Also, petitions of Schiller Lodge, No. 92, Middletown; Herman Lodge, No. 13, D. A. H. S., of Middletown; and German-American Alliance of Middletown, Conn., asking for the defeat of House bills 394 and 9435 and Senate bills 1082, 1257, and 1352; to the Committee on the District of Columbia.

Also, memorial of Horeb Lodge, No. 25, Independent Order of B'nai B'rith, of New Haven, Conn., against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of G. P. Coates and others, of Norwich, Conn., against the passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of Fred P. Buell and others, of East Hampton, and Woman's Christian Temperance Union of Portland, all in the State of Connecticut, favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of sundry citizens and church organizations of the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of George Merritt and others, of Andover, Conn., asking for congressional investigation of high cost of gasoline; to the Committee on Rules.

Also, petition of Porter Library Association, of Coventry, Conn., against passage of the Ayres bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Burson Manufacturing Co., of Rockford, Ill., favoring preparedness; to the Committee on Military Affairs.

Also, petition of the American Temperance Board for Prohibition in the District of Columbia, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Leland, Ill., favoring a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of Branch No. 5, U. A. N. A. of P. O. C., of Boston, in re postal legislation; to the Committee on the Post Office and Post Roads.

By Mr. GLYNN: Petition of Woman's Christian Temperance Union of 45 people, of Winsted; 67 people of Naugatuck; citizens of Waterbury and Naugatuck; Woman's Christian Temperance Union of 30 people, of Naugatuck, all in the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HADLEY: Petitions of sundry citizens and church organizations of the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of Washington, against Sunday observance bill for District of Columbia; to the Committee on the District of Columbia.

By Mr. HASTINGS: Petitions of Christian Endeavor, Christian Church, and Epworth League Chapter, Methodist Episcopal Church South of Muskogee, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of Woman's Christian Temperance Union of 40 people, of Myrtle Point; Methodist Episcopal Church of Canyonville; Woman's Christian Temperance Union of Canyonville; 29 people of Philomath, all in the State of Oregon, favoring national prohibition; to the Committee on the Judiciary.

By Mr. JAMES: Memorial of Houghton County Civil Service Retirement Association, indorsing House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petition of German Beneficial Union, New Kensington, Pa., urging certain amendments to the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of German-American Alliance of Latrobe, Pa., protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of German-American Alliance of Latrobe and the German Beneficial Union of New Kensington, Pa., protesting against nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Latrobe and German Beneficial Union of New Kensington, Pa., favoring the passage of various bills and resolutions relating to diplomatic and foreign relations; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Iowa: Petition of residents of Fort Madison, Iowa, protesting against passage of the Webb-Smith prohibition resolution; to the Committee on the Judiciary.

Also, memorial of 150 members of the G. H. R. and W. R. O., of Wellman, and 85 members of the Woman's Christian Temperance Union of Wellman, Iowa, favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Croton, Iowa, protesting against the enactment of House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of members of Columbia Grange, No. 2117, of Donnellson, Iowa, protesting against any change in parcel-post law, and especially against the Madden rider; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions of citizens of Potter County; Methodist Episcopal Church; Union Sunday School; Baptist Church; Marshland Literary Society, of Gaines; and Clymer Baptist Church and Sunday School, of Galeton, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Clinton and Lycoming Counties, Pa., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of 15 members of Richmond Grange, No. 878, Reed City, Osceola County, Mich., opposing the Madden rider of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petitions of 18 citizens of St. Louis, Mo., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of 87 citizens of St. Louis, Mo., asking for an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Petitions of Clar Fischer, Louis White, and others, of Philadelphia, Pa., against preparedness; to the Committee on Military Affairs.

By Mr. MORIN: Petition of Pittsburgh Chamber of Commerce, in favor of adequate extension and reorganization of and appropriation for Bureau of Foreign and Domestic Commerce and Consular Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Engineers' Society of Western Pennsylvania, in favor of House bill 10845; to the Committee on Military Affairs.

Also, petitions of George M. Shaw, C. B. Stanton, A. Christianson, H. C. Sonance, Thomas C. Crea, T. B. Saylor, E. H. Rodgers, W. B. Haig, W. H. Herr, G. A. Page, C. W. Haggart, K. E. Miller, W. B. Skinkle, William A. Skinkle, Henry J. Lewis, W. B. McCloy, William E. Doak, Charles C. Pasdiedag, C. S. Koch, H. B. Mann, Edward P. Donohue, Richard L. Smith, William A. Davis, R. W. H. Atcherson, D. M. Howe, George T. Barnsley, Jr., D. M. Sloane, D. A. Polhemus, William A. Mott,

W. T. Lewis, T. J. Wallers, H. A. Bate, M. C. Blest, H. D. Kneeland, W. L. Cromlish, John Glass, H. D. James, Francis C. Phillips, John A. Hunter, H. M. Partcar, James O. Handy, E. L. Gemmill, A. E. Duckham, E. W. Pittman, all of Pittsburgh, Pa., in favor of passage of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

By Mr. MOSS of West Virginia: Petition of citizens of Glenville, W. Va., and vicinity, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOTT: Petition of Henderson Grange, Patrons of Husbandry, of Henderson, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, memorial of Philadelphia Grange, Patrons of Husbandry, of Philadelphia, N. Y., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Petition of citizens of Clarksburg, W. Va., protesting against passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Wana and Methodist Episcopal Sunday School of Wana, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NORTH: Petition of Sabbath School of First Presbyterian Church, of 850 members, of Indiana, and 24 citizens of Borough, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petition of Frank Lowmier and 30 other citizens of North Brookfield, Mass., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Petition of Methodist Episcopal Church of Vanceboro; sundry citizens of China; 61 citizens of Vanceboro, Lambert Lake, and Cherryfield; and 21 citizens of Vanceboro and Lambert Lake, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of C. W. Pike, of San Francisco, Cal., protesting against the enactment of House bill 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of 205 citizens of Susanville, Lassen County, Cal., against Senate bill 645, for closing barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of 111 citizens of Susanville, Lassen County, Cal., against passage of bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of young people of Alhambra; Congregational Church of 75 people, of Long Beach; 55 people of Long Beach; and Central Woman's Christian Temperance Union, of Long Beach, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of citizens of Hudson and First Baptist Church of Hudson, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of William F. Krimmert, of Brooklyn, N. Y., for investigation of high cost of gasoline; to the Committee on Rules.

Also, memorial of engineers' committee on military lectures, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Froebel Society of Brooklyn, N. Y., favoring resolution for investigation of dairy products; to the Committee on Rules.

Also, memorial of Men's Club of Bushwick Avenue Congregational Church, Brooklyn, N. Y., relative to preparedness; to the Committee on Military Affairs.

Also, petition of Charles S. Frost, of Brooklyn, N. Y., favoring bill to prevent use of name "Quaker" for trade purposes; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of citizens of Clearfield County, Pa., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial on preparedness; to the Committee on Military Affairs.

Also, petition of Coryville Grange, No. 1212, of Coryville; 18 people of Coryville; and Sabbath School of 80 people, of Coryville; United Brethren Church of 100 of Coryville, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SABATH: Memorial of Straz Osojenych, of Chicago, Ill., relative to peace in Europe; to the Committee on Foreign Affairs.

By Mr. SCULLY: Memorial of Presbyterian Brotherhood of Red Bank, N. J., against polygamy in the United States; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Laurelton, N. J., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of N. S. Clark and 59 citizens of Battle Creek and vicinity, favoring equal suffrage; to the Committee on the Judiciary.

Also, protest of S. B. Horton and 51 citizens of Kalamazoo, against House bill 652, compulsory Sunday observance bill; to the Committee on the District of Columbia.

By Mr. STEENERSON: Petition of 13 citizens of Duluth, Minn., protesting against the passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Memorial of California State League of Iroquois Clubs, San Francisco, Cal., favoring House bills 209 and 211, establishment of new Federal judicial district; to the Committee on the Judiciary.

Also, petition of Keystone Type Foundry, San Francisco, Cal., favoring reduction in postal rates on catalogues; to the Committee on the Post Office and Post Roads.

Also, petition of Frank Bush, Seal Beach, Cal., against continuation of war tax on theaters; to the Committee on Ways and Means.

Also, petition of Western Pipe & Steel Co., of San Francisco, Cal., favoring House bill 457, relative to vocational education; to the Committee on Education.

Also, petition of Mrs. E. M. Rogers, of Los Angeles, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. M. L. Wooden, Los Angeles, Cal., favoring the Warren bill, that those who make war shall do all the fighting; to the Committee on Military Affairs.

Also, petition of M. R. Newmark and 77 other citizens, of Los Angeles, Cal., against Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Mississippi. Petitions of citizens of Enid, Miss., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of sundry citizens of the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of sundry citizens of Center Barnstead, N. H., against Sunday-observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Center Barnstead, N. H., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: Resolution of the Federated Trades Council of Colorado Springs, Colo., H. A. Thompson, secretary, urging consideration of the Sutherland-Mondell joint resolution, providing for a constitutional suffrage amendment; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of Federal Employees' Union, No. 15007, American Federation of Labor, in re legislation; to the Committee on Reform in the Civil Service.

By Mr. WALSH: Petition of Men's Club of Oak Bluffs, Mass., asking speedy passage of Webb-Smith resolutions, so called—House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of Bradley Memorial Church, of Oak Bluffs, Mass., for speedy passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. WARD: Petition of Rev. Fred M. Sawyer, of Chatham Center, N. Y., and others, relative to Sisson resolution, relating to Government appropriations for sectarian purposes; to the Committee on Indian Affairs.

By Mr. WICKERSHAM: Petition of Woman's Christian Temperance Union of Sitka, Alaska, praying Congress to pass act approving of an act of the Legislature of Alaska submitting prohibition of the liquor traffic in Alaska to a referendum vote of the electors; to the Committee on the Territories.